

**THE  
JAMESTOWN  
MUNICIPAL  
CODE**

Prepared by the  
**MUNICIPAL TECHNICAL ADVISORY SERVICE  
INSTITUTE FOR PUBLIC SERVICE  
THE UNIVERSITY OF TENNESSEE**  
in cooperation with the  
**TENNESSEE MUNICIPAL LEAGUE**

December 2004

Change 1, July 11, 2011

**CITY OF JAMESTOWN, TENNESSEE**

**MAYOR**

Gwenith Duncan

**ALDERMEN**

Joan Bailey

Keith Conatser

Charles Cooper

Danny Hayes

Gene Holt

**RECORDER**

Patricia Gail Dishmon

## PREFACE

The Jamestown Municipal Code contains the codification and revision of the ordinances of the City of Jamestown, Tennessee. By referring to the historical citation appearing at the end of each section, the user can determine the origin of each particular section. The absence of a historical citation means that the section was added by the codifier. The word "modified" in the historical citation indicates significant modification of the original ordinance.

The code is arranged into titles, chapters, and sections. Related matter is kept together, so far as possible, within the same title. Each section number is complete within itself, containing the title number, the chapter number, and the section of the chapter of which it is a part. Specifically, the first digit, followed by a hyphen, identifies the title number. The second digit identifies the chapter number, and the last two digits identify the section number. For example, title 2, chapter 1, section 6, is designated as section 2-106.

By utilizing the table of contents and the analysis preceding each title and chapter of the code, together with the cross references and explanations included as footnotes, the user should locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the city's ordinance book or the city recorder for a comprehensive and up to date review of the city's ordinances.

Following this preface is an outline of the ordinance adoption procedures, if any, prescribed by the city's charter.

The code has been arranged and prepared in loose-leaf form to facilitate keeping it up to date. MTAS will provide updating service under the following conditions:

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.
- (3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such

ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Dianna Habib, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini  
Codification Consultant

**ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE  
CITY CHARTER**

Section 4. Ordinance Adoption... Except as otherwise provided, ordinances shall be passed in the following manner. Every proposed ordinance shall be in writing. After adoption of a Code of ordinances, each ordinance of a general and permanent nature shall be adopted as amending or adding a numbered section of the Code. Each ordinance amending an existing ordinance or section of the Code shall state the section of the ordinance or Code as amended in its entirety. Each ordinance shall be read and passed once on two separate days, which may be regular, adjourned or special meetings. An affirmative vote of at least three members of the Board shall be required for the passage of any ordinance. The record of how each member of the Board voted shall be spread on the minutes. After passage, each ordinance shall be authenticated by the Mayor and Recorder or in their absence, two of the Aldermen, and placed in a binder.

ORDINANCE NO. 900

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF JAMESTOWN TENNESSEE.

WHEREAS some of the ordinances of the City of Jamestown are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Jamestown, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Jamestown Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF JAMESTOWN, TENNESSEE, THAT:

**Section 1. Ordinances codified.** The ordinances of the city of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Jamestown Municipal Code," hereinafter referred to as the "municipal code."

**Section 2. Ordinances repealed.** All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

**Section 3. Ordinances saved from repeal.** The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the

portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

**Section 4. Continuation of existing provisions.** Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."<sup>1</sup>

Each day any violation of the municipal code continues shall constitute a separate civil offense.

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

**Section 10. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.



Passed 1st reading, February 14, 2005.

Passed 2nd reading, March 14, 2005.

*Guenevieve D. Pinner*  
Mayor

*Sarah Threst*  
Recorder

## TITLE 1

GENERAL ADMINISTRATION<sup>1</sup>

## CHAPTER

1. BOARD OF MAYOR AND ALDERMEN.
2. MAYOR.
3. RECORDER.

## CHAPTER 1

BOARD OF MAYOR AND ALDERMEN<sup>2</sup>

## SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:00 P.M. on the second Monday of each month at the city hall. (1981 Code, § 1-10, modified)

1-102. Order of business. At each meeting of the board of mayor and aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.

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<sup>1</sup>Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

## Municipal code references

Building, plumbing, electrical and gas inspectors: title 12.  
 Fire department: title 7.  
 Utilities: titles 18 and 19.  
 Wastewater treatment: title 18.  
 Zoning: title 14.

<sup>2</sup>Charter references

Election of board of aldermen: art. II, §§ 1 and 4.  
 Election offenses: art. II, § 9.  
 Oath: art. III, § 4.  
 Qualifications: art. III, § 2.  
 Quorum: art. IV, § 3.

- (3) Reading of minutes of the previous meeting by the recorder, and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.
- (6) Reports from committees, members of the board of mayor and aldermen, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1981 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1981 Code, § 1-103, modified)

## CHAPTER 2

MAYOR<sup>1</sup>

## SECTION

1-201. Generally supervises city's affairs.

1-202. Executes city's contracts.

1-201. Generally supervises city's affairs. The mayor shall have general supervision of all city affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1981 Code, § 1-201)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1981 Code, § 1-202)

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<sup>1</sup>Charter references

Board meetings--mayor to preside: art. IV, § 3.

Compensation: art. III, § 5.

Duties: art. VI, § 2.

Election: art. II.

Nomination: art. II, § 3.

Oath: art. III, § 4.

Ordinances: art. IV, § 4.

Qualifications: art. III, § 2.

Quorum: art. IV, § 3.

Term: art. III, § 3.

Vacancy: art. III, § 6.

## CHAPTER 3

RECORDER<sup>1</sup>

## SECTION

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in the sum of fifteen thousand dollars (\$15,000.00), with surety acceptable to the board of mayor and aldermen, before assuming the duties of his office. (1981 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the board of mayor and aldermen and shall preserve the original copy of all ordinances in a separate ordinance book. (1981 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the board of mayor and aldermen and for the city which are not expressly assigned by the charter, or this code, to another corporate officer. He shall also have custody of and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1981 Code, § 1-303)

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<sup>1</sup>Charter references

Administers oath: art. III, § 4.

Appointment: art. VI, B, § 1.

Disbursements: art. V, § 7.

Duties: art. VI, B., §§ 2 and 3.

## TITLE 2

BOARDS AND COMMISSIONS, ETC.

## CHAPTER

## 1. PARKS AND RECREATION BOARD.

## CHAPTER 1

PARKS AND RECREATION BOARD

## SECTION

2-101. Establishment of board.

2-102. Authority.

2-101. Establishment of board. A parks and recreation board is hereby established. Said board shall be called the City of Jamestown Parks and Recreation Board. Said board shall consist of five (5) members, one of which shall be the Mayor of Jamestown, or an alderman designated by the Mayor of Jamestown. Four (4) members shall be at-large members appointed by the Mayor of Jamestown. The terms of the designated members shall be five (5) years, except that the terms of members first appointed shall be arranged so that the term of one (1) member shall expire annually thereafter. All appointed members shall be eligible for reappointment. (Ord. #480, Jan. 1996)

2-102. Authority. The authority granted to this board is advisory in nature and the authority to operate and maintain parks and recreation facilities and to conduct recreation programs is hereby retained by the City of Jamestown for its facilities. Ord. #480, Jan. 1996)

TITLE 3

MUNICIPAL COURT<sup>1</sup>

CHAPTER

1. CITY JUDGE.
2. COURT ADMINISTRATION.
3. WARRANTS, SUMMONSES AND SUBPOENAS.
4. BONDS AND APPEALS.

CHAPTER 1

CITY JUDGE

SECTION

3-101. City judge.

3-101. City judge. The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court and shall be known as the city judge. (Ord. #1-400, Nov. 1982)

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<sup>1</sup>Charter references  
City court: art. VI, § 3A.

## CHAPTER 2

COURT ADMINISTRATION<sup>1</sup>

## SECTION

3-201. Maintenance of docket.

3-202. Imposition of fines, penalties, and costs.

3-203. Disposition and report of fines, penalties, and costs.

3-204. Disturbance of proceedings.

3-205. Trial and disposition of cases.

3-201. Maintenance of docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines, penalties and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (Ord. #1-400, Nov. 1982)

3-202. Imposition of fines, penalties, and costs. All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>2</sup> for similar work in state cases. (Ord. #1-400, Nov. 1982)

3-203. Disposition and report of fines, penalties, and costs. All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the municipality. At the end of each month he shall submit to the governing body a report accounting for the collection or non-collection of all fines, penalties and costs imposed by his court during the current month and to date for the current fiscal year. (Ord. #1-400, Nov. 1982)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (Ord. #1-400, Nov. 1982)

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<sup>1</sup>Charter reference

Court administration: art. VI, § 3.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 8-21-401.



3-205. Trial and disposition of cases. Every person charged with violating a municipal ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (Ord. #1-400, Nov. 1982)

## CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

## SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

3-301. Issuance of arrest warrants.<sup>1</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (Ord. #1-400, Nov. 1982)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (Ord. #1-400, Nov. 1982)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (Ord. #1-400, Nov. 1982)

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<sup>1</sup>State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

## CHAPTER 4

BONDS AND APPEALS<sup>1</sup>

## SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

3-403. Bond amounts, conditions, and forms.

3-401. Appearance bonds authorized. When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (Ord. #1-400, Nov. 1982)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the next term of the circuit court upon posting a proper appeal bond.<sup>2</sup> (Ord. #1-400, Nov. 1982)

3-403. Bond amounts, conditions, and forms. An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place.

An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (Ord. #1-400, Nov. 1982)

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<sup>1</sup>Charter reference

Bonds and appeals: art. IV, § 3A(3).

<sup>2</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

## TITLE 4

MUNICIPAL PERSONNEL

## CHAPTER

1. SOCIAL SECURITY.
2. EMPLOYEE RULES AND PERSONNEL POLICIES.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.

## CHAPTER 1

SOCIAL SECURITY

## SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Jamestown, Tennessee, to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1981 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1981 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1981 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be

required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1981 Code, § 1-704)

4-105. Records and reports to be made. The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1981 Code, § 1-705)

## CHAPTER 2

EMPLOYEE RULES AND PERSONNEL POLICIES

## SECTION

- 4-201. Recruitment and employment.
- 4-202. General conditions of employment.
- 4-203. Code of conduct.
- 4-204. Employee benefits and programs.
- 4-205. Disciplinary action, grievances and appeals.
- 4-206. Separation from employment.
- 4-207. Personnel rules and records.

4-201. Recruitment and employment. (1) Eligibility. Individuals shall be recruited from a geographic area as broad as necessary to assure obtaining well-qualified applicants for each vacant position. Recruitment shall not be limited to residents of the City of Jamestown.

(2) Notification. The city recorder shall prepare recruiting notices to publicize vacancies, and to secure applicants for vacant positions. The first source of notification shall be the city hall bulletin board, but various media of publicity may be used as necessary to bring notice of vacancies to the attention of qualified applicants for the position.

(3) Applications. As the result of a single application, an applicant shall be considered for a period of six months for all positions in which his/her principal qualifications might be used by the city. Applications shall be retained and considered by the city for a period of six months, after which time an individual must file a new application to be further considered for employment by the city. Each applicant shall make application in the manner prescribed by the city recorder, who may require any information that is legally sanctioned, which is deemed necessary to determine an applicant's fitness for a position.

(4) Minimum qualifications. The city recorder, after consultation with the department head concerned, shall prescribe minimum qualifications for the position, as required by the nature of the work to be performed. Such requirements shall be stated in all advertisement notices for the position.

(5) Rejection of applicants. The city recorder shall reject any application or applicant when any of the following conditions are found by the city recorder to exist:

- (a) The application was not filed within the period specified in the position announcement.
- (b) The applicant was not filed on the prescribed form.
- (c) The applicant does not possess the minimum qualifications required for the position.
- (d) The applicant has established an unsatisfactory employment or personnel record, as evidenced by reference check.

(e) The applicant has made a false statement of a material fact, or has otherwise practiced deception in his/her application.

(f) The applicant is afflicted with a mental or physical disqualifying disease or defect, that would prevent satisfactory performance of duties required of the position.

(g) The applicant is addicted to the habitual use of drugs or intoxicants.

(h) The applicant does not reply to a mail inquiry within ten days, or does not return a telephone inquiry within two days, and fails to accept appointment within the time prescribed in the offer of employment.

(i) The applicant was previously employed by the city, and was removed for cause or resigned not in good standing.

(j) The application is dated more than six months prior to the current position announcement.

All disqualified applicants shall be notified to that effect in a prompt and timely manner.

(6) Examinations. All appointments shall be made on the basis of merit and fitness, and competitive examinations may be used in the selection of an employee to fill any position.

(7) Appointments. The appointment of all employees shall be made on the basis of qualifications, ability and technical knowledge required to perform the work satisfactorily. Applications are required for all appointments, and the city shall process applications as prescribed in the "Applications" section of these rules and policies.

Interviews for new or vacant positions will be conducted by the mayor, the appropriate department head, and the alderman representing the department in which the position is to be filled. If the department is not represented by a specific alderman, the mayor will appoint an alderman to serve. Following the conduct of interviews, the alderman, after consultation with the department head, shall recommend one or more of the applicants to the board of mayor and aldermen. The board may make an appointment, or may reject all applicants and call for further recommendations. All appointments are for a probationary period.

(8) Emergency appointments. In an emergency, as determined by the board of mayor and aldermen, the city recorder may authorize the appointment of any qualified person to a position, in order to prevent disruption of public business, or serious inconvenience to the public. If a department head has had reasonable notice of an upcoming position vacancy, then that vacancy cannot be construed to be an emergency. Emergency appointments shall be limited to a period not to exceed thirty days.

(9) Promotions. Vacancies in positions above the entrance level shall be filled by promotion, when it is possible to do so. However, the requirements of the position shall not be compromised in order to accomplish filling a vacancy

through promotion. Promotions shall be on a competitive basis, and appropriate consideration shall be given to each applicant's performance ratings, qualifications, and seniority.

(10) Reemployment. An individual, who had previously been employed by the city, may be reemployed by the city if he/she separated from city employment in good standing, and meets the qualifications and requirements of the vacant position. An individual that is reemployed by the city shall be considered as a new employee regarding rights and benefits, and must serve the required probationary period for the new position, unless the time between employment periods is less than three months.

(11) Reinstatement. An individual, who because of reduction-in-force, lay-off, lack of funds or other economic factors was separated from full-time city employment, shall be eligible for reinstatement provided:

- (a) He/she was separated from employment in good standing.
- (b) Reinstatement occurs within two years of the date of separation.
- (c) He/she meets all qualifications and requirements of the vacant position. (Ord. #\_\_\_, Dec. 1987)

4-202. General conditions of employment. (1) Personnel policy statements. It is the policy of the City of Jamestown to:

- (a) Attract and retain employees of the highest caliber.
- (b) Select employees based upon ability, experience, training, character and mental and physical fitness without regard to race, creed, age, color, religion, sex or national origin.
- (c) Develop competent supervisors, respect the individual rights of each employee and treat all employees with courtesy, dignity and consideration.
- (d) Compensate each employee by payment of a fair and competitive wage for work performed.
- (e) Provide paid vacation, holidays and other appropriate benefits for all eligible employees.
- (f) Provide facilities, services and otherwise encourage employees toward attaining economic security.
- (g) Insure each employee the right to discuss freely with management, any matter concerning either his own or the city's welfare.
- (h) Make prompt and appropriate response to any complaints which may arise.
- (i) Make opportunities available for training, development and advancement consistent with individual ability and performance, and the needs of the city.
- (j) Promote employees based upon ability and performance with due regard to length of service.



(k) Promote from within the city organization when circumstances permit.

(l) Provide modern health and safety services for protection and physical security.

(m) Provide for secure employment to the extent possible.

(n) Give full consideration to the employment of handicapped persons in positions they are qualified and able to perform.

(o) Encourage individual acceptance of responsibility and outstanding performance of public service.

(2) Communication. Open and honest communication is essential to organizational success. Two-way communication is important to harmonious and productive working relationships. Supervisors and employees are encouraged to use their daily communications to enhance performance and productivity.

(3) Basic responsibilities. Each employee of the city has certain basic responsibilities to the organization and to the taxpayers of the city. You are doing your part when you:

(a) Come to work regularly and on time.

(b) Do your work well.

(c) Take care of the city's property and materials.

(d) Find ways to do your work more efficiently.

(e) Maintain and improve the quality of your performance.

(f) Work with others as a team.

(g) Observe the code of conduct in all aspects at all times.

(4) Hours of work. A 40-hour work week is standard unless otherwise directed by the board of mayor and aldermen.

(5) Breaks. Lunch breaks, other breaks and rest periods are as determined by the department head.

(6) Absenteeism. It is expected that each employee will arrive at work on time, and work a full day. Any absence not relating to sickness must be approved in advance by the department head, and other than annual leave, or funeral leave, are at the employee's expense. If an employee is going to be absent from work because of sickness, he/she must notify the department head within the first hour following his/her starting time. If the employee has not accumulated sick leave, then the day's pay is withheld from his/her paycheck. A department head may suspend an employee who is absent on two consecutive days without good reason, or an employee who develops a pattern of chronic absenteeism. The employee has the right to appeal a department head's action through the grievance procedures set forth in § 4-205 of these rules and policies.

(7) Tardiness. It is expected that each employee will report to work on or before his/her starting time on a regular basis. It is suggested that employees clock in as near their work time as possible. No employee may clock in for another employee; doing so shall result in immediate suspension. Any employee who is frequently tardy for work shall be suspended.

(8) Performance reviews. All employees will be reviewed on the progress of their work. Two reviews are conducted during the first six months of employment, and one review annually thereafter.

(9) Payroll deductions. The city makes certain payroll deductions. These include federal withholding and social security contributions for all employees, and deductions for insurance.

(10) Overtime. Overtime is credited at each employee's hourly rate only for work performed before or after the regular work day begins; however, this work must be approved in advance by the department head for hours over a 40-hour week. Simply clocking in early or clocking out late is not considered overtime. Overtime hours on the time card must be initialed by the department head. Time cards are kept by department heads. They are responsible for computing the worker's time and for completing time cards each week. Time cards must be initialed by the department head before they are processed for payment. The department head is held accountable for time for which employees are paid. Department heads are not eligible to receive overtime pay.

(11) W-4 forms. All new employees must complete a W-4 form indicating how many exemptions they wish to declare for income tax purposes. This should be returned to the city recorder.

(12) Probationary period. The probationary period for all full time employees is six (6) months. The employee's supervisor will have the responsibility of advising the employee, during this time of probation, when his/her work habits or performance is not satisfactory. Also, the supervisor shall be required to do two (2) written evaluations on the employee during the probation period. These evaluations will be on a standard form and will be discussed with the employee then turned in to the city recorder to be reviewed by the mayor. At anytime during the probationary period that the employee shows that he is unable to handle the job or is unable to show any improvement on any problems which surface because of the evaluations, then he/she may be transferred, demoted or dismissed. If, at the end of the probation period, the employee shows that he is capable of doing a good job without constant supervision, then his supervisor should recommend that the employee be transferred to permanent status with an increase in pay.

Following an employee's acceptance as a regular full time employee, he/she shall be evaluated at least once each year by the department head. The board of mayor and aldermen will evaluate department heads at least once each year. A successful evaluation will form the basis for continued employment. A copy of the evaluation will be given to the employee each time he/she is evaluated.

(13) Responsibility for city property. If an employee is found to be responsible for the cause of damage to any city property, then the employee shall be held accountable and liable for all costs and expenditures necessary to replace or restore the property to its condition prior to the damage. (Ord. #\_\_\_\_, Dec. 1987)

4-203. Code of conduct. (1) Policy statement. All employees are expected to understand that they are public service employees, and to conduct themselves in accordance with the following general requirements.

(a) Employees shall in no way act in any manner which may discredit the city government, public officials, fellow employees, or themselves.

(b) Employees shall avoid conduct and speech that is subversive to good order and discipline. They shall treat each other with the utmost courtesy and respect and, at all times, refrain from making any derogatory or demeaning remarks concerning each other.

(c) Employees shall direct and coordinate their efforts to establish and maintain the highest level of efficiency, morale, and achievement.

(d) Employees shall conduct themselves in such a manner as to bring about the greatest harmony among the various units in the city.

(e) Employees shall avoid conduct and speech which criticizes city departments, divisions, offices, its policies, program, actions, or officers, ridicules or interferes with the reasonable supervision or proper discipline of the city.

Each employee is responsible for knowing the city's policies and procedures governing the conduct of employees, and for abiding by the code in all respects.

(2) Restrictions and prohibitions. There are specific restrictions and prohibitions on employee actions and conduct that apply in the following areas:

(a) Outside employment. No employee of the city may engage in additional employment outside the official hours of duty unless approved by the department head and the mayor. This decision is to be made with appropriate consideration of the following factors:

- (i) Compatibility with the employees position.
- (ii) Community relations.
- (iii) Impairment of efficiency in city job.

(b) Conflict of interest. City employees who may be in a position to influence city decisions and actions shall refrain from relationships, which may adversely affect the exercise of their independent judgment in dealing with city suppliers of goods or services.

(c) Pecuniary interest. No employee shall personally profit directly or indirectly from any contract, purchase, sale, or service between the city and any person or company. No employee shall accept any free or preferred services from any company for the purpose of selling their product.

(d) Political activity. No city employee shall seek or accept election to city office, unless having first resigned his position as an employee of the city. No city employee shall solicit campaign

contributions, or engage in or actively participate in any municipal political campaign while on the job.

(e) Use of city property. An employee, who is provided any city-owned equipment in order to perform his job, is expected to exercise care in the keeping and use of the equipment, and shall return the property upon the request of his department head or the mayor. In all cases, the employee shall return the equipment upon termination of employment. Personal use of city-owned equipment, materials, tools, supplies, etc., is not permitted under any circumstances. Such use constitutes grounds for disciplinary action including termination of employment.

(f) Promotion of private business on city property. No city employee may promote private business for gain within or upon any city building or property, or while on duty as a city employee.

(g) Disclosure of information. Official information obtained in the course of employment with the city shall only be released by those employees specifically charged with the responsibility for doing so.

(h) Gifts and gratuities. No city employee shall use his position with the city to obtain any special preferences or favor. No city employee shall accept any loan, advance, gift, gratuity, favor or entertainment from a supplier, bidder, or other individual or business doing business with or having a business interest in city government. Such acceptance constitutes grounds for disciplinary action, including termination of employment.

(i) Personal mail, calls, visitors. No city employee shall use the resources of the city to handle and distribute personal mail. No city employee shall use city stationery or postage for personal business. Personal phone calls and the receiving of personal visitors on city time must be kept to a strict minimum.

(j) Dress and appearance. Determination of dress and personal appearance standards is a supervisory responsibility, and shall be determined by the department head.

(k) Indictments. A city employee shall notify his department head and the mayor when information has been filed by a prosecuting official against him/her for an offense or violation of the law, or when he has been indicted by a grand jury. The department head may choose to reassign the employee, or initiate disciplinary action including termination, upon receiving such information. Failure of the employee to notify shall result in disciplinary action.

(l) Incarceration. A city employee shall notify his department head and the mayor should he/she be incarcerated. The department head may initiate disciplinary action including termination, upon receiving such information. Failure of the employee to notify shall result in disciplinary action.

(m) Drugs and alcohol abuse. The use of alcohol and/or controlled substances per Tennessee law on city property and/or on city time by an employee shall result in disciplinary action including the possibility of termination. The sale of alcohol or controlled substances or its possession on city property and on city time by an employee shall result in disciplinary action including the possibility of termination.

(n) Driving records. An employee who is required, as a condition of employment, to possess and maintain a valid Tennessee driver's or chauffeur's license must immediately advise his/her department head should his license become denied, expired, restricted, suspended or revoked. Periodic checks of employees' driving records may be conducted by the city to assure adherence to this policy.

(o) Family employment restrictions. No member of any employee's family shall be hired to work within the same city department, unless formally approved by the board of mayor and aldermen. This includes both blood and marital relations.

(p) Use of city vehicles. No employee shall use a city vehicle, other than during normal working hours, unless specifically authorized to do so by the department head prior to the vehicle's use. No employee shall use a city vehicle to commute to and from work unless specifically authorized to do so by the board of mayor and aldermen prior to the vehicle's use.

(q) Personnel records. Each employee is responsible for keeping the city advised of any information changes such as name, address, telephone number, change of beneficiary, training or course work completed, etc. The city shall not be held liable when incorrect withholding, wrong beneficiaries or loss of employee benefits result from the failure of any employee to keep personnel records current.

(r) Sexual harassment. Sexual harassment is a violation of Title VII of the Civil Right's Act of 1964, and is expressly prohibited by the city. Sexual harassment is defined as any sexually oriented word, deed, or practice that endangers an employee's job, undermines an employee's job performance, or threatens an employee's livelihood. Sexual harassment includes any word or action which involves implicit or explicit coercive sexual behavior to control, influence or affect the career, salary or priorities of another person.

Employees have the right to circumvent the chain of command in selecting the person to whom to make a complaint of sexual harassment. Compliance may be made orally or in writing to the employee's immediate supervisor, the employee's department head, the city's equal opportunity officer, the city recorder, or the mayor.

The city recorder is the person designated by the city to investigate complaints of sexual harassment. In the event the sexual harassment complaint is against the city recorder, then the mayor shall designate

another employee to be the investigator. The investigator shall, upon receiving a complaint of sexual harassment, immediately act to obtain all of the facts of the situation, including written statements from the complainant, witnesses and the person against whom the complaint has been filed. The investigator shall, in an expeditious manner, prepare a written report and submit it to the board of mayor and aldermen. The board of mayor and aldermen shall then consider the situation, as it would any other matter brought to it under the disciplinary action procedures of this city.

Employees are not just encouraged to report instances of sexual harassment, they are obligated to do so. Sexual harassment exposes the city to liability, and a part of each employee's job is to reduce the city's exposure to liability.

Employees are obligated to cooperate in every investigation of sexual harassment. The obligation includes, but is not necessarily limited to, coming forward with evidence, both favorable and unfavorable to a person accused of sexual harassment; fully and truthfully making a written report or verbally answering questions when required to do so by an investigator, including the mayor, during the course of an investigation of sexual harassment.

Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails to or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

(3) Disciplinary action. The violation of any provisions of the city's code of conduct, including any of the preceding restrictions and prohibitions, constitutes a basis for the city to exercise disciplinary measures up to and including dismissal. In all cases disciplinary actions shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors pertinent to fair, just and official administration of city government, including, but not limited to, the effect of the offense on employee morale, public perception of the offense and the city's reputation and good name. Disciplinary action shall be decided upon on a case-by-case basis, and a written record of every disciplinary action shall be made and retained, including verbal reprimands. See § 4-205 of these rules and policies. (Ord. #\_\_\_\_, Dec. 1987)

4-204. Employee benefits and programs. (1) Annual leave. All full time personnel shall receive annual leave in the following manner:

After 1 year of employment . . . . .	5 days
6 <sup>th</sup> thru 15 <sup>th</sup> year of employment . . . . .	10 days
After 15 years of employment . . . . .	15 days

Annual leave shall be credited to an employee's account on January 1<sup>st</sup> of each year. However, an employee is not eligible to use annual leave credits until completion of twelve (12) full months of employment. Annual leave benefits may be taken the day after the employee's twelve (12) month anniversary date.

All employee's will schedule vacation for the year by January 31<sup>st</sup> of each year.

The minimum leave time which may be granted is ½ day. An employee may schedule all earned vacation to be taken at one time if he or she chooses.

(2) Annual leave may be used for the following purposes:

(a) Vacation.

(b) Absence to transact personal business which cannot be conducted during off-duty hours.

Vacation leave shall be scheduled based primarily on employment seniority within each department. While the supervisor shall attempt to schedule vacation at the time most desired by the employee (in order of seniority) the final right of allotment or change of vacation is reserved to the department head.

It is recommended that each employee take all of his or her credited vacation each year. Under certain circumstances an employee may wish to carry over unused leave from year to year. An employee may do this up to a total leave accumulation of 30 days. All leave accumulated in excess of 30 days shall be lost on December 31<sup>st</sup> of each year.

Requests for leave must be submitted and approved by the employee's immediate supervisor prior to the actual taking of leave when leave dates are arranged in advance, and immediately upon return when unexpected annual leave is approved by the supervisor. Violation of this policy could result in unauthorized absence and subsequent loss of pay and/or disciplinary action. The official record of annual and sick leave credit is maintained by the city recorder.

It shall be the employee's responsibility to report any discrepancy in leave totals to the city recorder.

(3) Holidays. The city provides each full-time employee six (6) paid holidays per year. Holidays that fall on Saturday shall be taken on the preceding Friday. Holidays that fall on Sunday shall be taken on the following Monday.

To be eligible for holiday pay an employee must be on the active payroll for the scheduled work day preceding and the scheduled work day succeeding the holiday, and work in accordance with the city's schedule.

Holiday pay shall be awarded for the day the holiday is observed according to the designation of the board of mayor and aldermen.

The following are authorized as official holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas.

(4) Sick leave. Sick leave shall be earned and credited to each full-time employee at the rate of eight (8) hours per month. However, an employee

is not eligible for credit except and until completion of six (6) months employment. There is a thirty (30) day limit on the amount of sick leave which may be accumulated by an employee. Each employee shall submit a request for sick leave to his/her supervisor where medical appointments are known in advance, or immediately upon return to duty from unexpected illness.

Sick leave taken shall be recorded in hours, and may only be taken for sickness. An employee may not use sick leave to supplement time off or for tardiness. The least amount of sick leave that can be taken is four (4) hours or one-half (½) day.

The city may require that an employee furnish a physician's statement at any time explaining the nature of the employee's illness or injury. If the sick leave period exceeds two days, the employee must furnish the city with a physician's statement.

Sick leave may be used when a member of an employee's immediate family needs the employee's assistance because of sickness or injury. Immediate family means wife, husband, child or parent.

(5) Jury duty. An employee may be authorized to receive full pay in order to serve required jury duty. Request for pay for jury duty must be submitted and approved in advance by the employee's supervisor. In order to receive full pay for jury duty leave, the employee must deposit money received from all other sources for jury duty service with the city recorder.

(6) Court leave. An employee, required to appear before a court on his/her personal time because of circumstances related to the performance of his/her job duties, shall be compensated at his/her normal rate of pay, in accordance with FLSA rules and regulations.

(7) Administrative leave. The city provides up to twenty (20) hours annually to each full time employee for administrative leave. Administrative leave is intended to apply to general rather than personal situations. It may be used for problems resulting from natural causes such as fire, flood or storms.

(8) Leave without pay. A regular employee may be granted a leave of absence without pay for a period not to exceed one (1) year for sickness, disability, or for other good and sufficient reasons. Such leave shall require prior approval by the board of mayor and aldermen.

(9) Funeral leave. An employee will be granted and paid his regular rate of pay for any or all of three (3) regularly scheduled work days during the period beginning with the death and ending with the day of the funeral of his/her immediate family. A member of the immediate family shall be defined as and limited to the following: spouse, children, father, mother, brother, sister, step-parents, step-brother, step-sister, and grandparents of employees.

(10) Insurance. Health insurance is available to full-time employees of the city on an optional basis. If an employee elects to participate in the city's group policy, the city will pay 50% of the total premium for health and life insurance coverage for the employee. An employee may also elect to receive



coverage for his/her family, in which case the total premium for family coverage will also be withheld from the employee's paycheck on a weekly basis.

The city shall not withhold any funds from an employee's pay for premiums or supplemental policies entered into between the employee and any insurance company, or on any policy not a part of the city's official insurance program. (Ord. #\_\_\_\_, Dec. 1987, as amended by Ord. #\_\_, Feb. 1992)

4-205. Disciplinary action, grievances and appeals. It is the intent of the city to provide effective management and supervision, as well as positive employer/employee relations. To accomplish this, the city has established and implemented specific formal procedures for disciplinary actions, grievances and appeals.

(1) Disciplinary action. (a) Policy. Whenever employee performance, attitude, work habits, or personal conduct fall below a desirable level, the department head shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

(i) Acceptable disciplinary actions may, depending upon the circumstances, include, but are not limited to:

- (A) Verbal warning.
- (B) Written warning.
- (C) Written reprimand.
- (D) Special probation.
- (E) Suspension.
- (F) Dismissal.

(ii) The following are examples of major offenses, and under the city's policy constitute sufficient grounds for an employee's dismissal without regard to the employee's length of service, prior conduct, or performance record:

- (A) Insubordination.
- (B) Physical harm/assault.
- (C) Theft or pilfering.
- (D) Malicious or wilful destruction of town property.
- (E) Fraud or dishonesty.
- (F) Drug/alcohol abuse.
- (G) Violation of law.
- (H) Conflict of interest.
- (I) Sexual harassment.

(b) Procedures. Disciplinary action shall follow the organization chart of the City of Jamestown. Department heads shall have full authority and responsibility for all employees in their respective departments. Disciplinary action for employees shall be as follows:

An employee not performing satisfactory duties will be first informed of this by the department head orally. If the unsatisfactory performance continues, the department head will make a report for the employee file and give the employee a copy of the report. The department head and the employee will discuss this and attempt to make corrections through advice, retraining, or adjustment in work requirements. If dissatisfactory performance continues, the department head will be required to issue a reprimand to the worker in writing, stipulating the areas of deficiency.

If the problem persists, the department head may suspend the employee for not less than one (1) day, nor more than thirty (30) days, without pay and again give the employee a reprimand in writing. If the situation does not improve, the employee shall be suspended a second time for thirty (30) days without pay with a reprimand in writing issued to the employee. If the situation still does not improve, the employee will be asked to appear before the board of mayor and aldermen to explain why deficiencies have not been remedied and why his/her performance is not up to par.

At this point, it will be up to the board of mayor and aldermen to decide whether to retain the employee on probation or dismiss him/her. If the employee is retained, the board will issue specific conditions and requirements which must be met by the employee in a time period determined by the board. The department head will report back to the board at the end of this period to give a report on the employee.

If the department head dismisses the employee, he/she may request a special hearing before the board to have his/her case reviewed. The decision of the board will be final. The reasons for dismissal will be presented to the employee in writing.

A different and specific sequence of actions is presented in § 4-203 for disciplinary procedures related to sexual harassment complaints.

Disciplinary action concerning department heads as heads of their respective departments shall be as follows:

Department heads shall serve at the pleasure of the board of mayor and aldermen.

As the city's chief executive officer, the mayor shall have general supervision of all municipal offices and shall have disciplinary authority over the department heads. Disciplinary action may be taken by the mayor against a department head under the same rules governing all city employees, up to and including, thirty (30) day suspensions. Since the department heads are administrative positions, which require

professionally trained personnel, oral reprimand only shall be required prior to suspension. Any suspension of a department head shall be heard by the board within five (5) days. The board may uphold the suspension or return the suspended party to work with backpay or if, as warranted, may dismiss the employee.

(2) Grievances. (a) Policy. It shall be the policy of the City of Jamestown to provide a procedure for the presentation and mutual adjustment of points of misunderstanding or disagreement which arise between employees, and their supervisors and to assure employees that their problems and complaints will be considered fairly, rapidly, and without reprisal.

(b) Procedures. The following procedure governs presentation and adjustment of such disagreements. The purpose is to determine what is right, rather than who is right. It is the city's philosophy that free discussion between employees and supervisors will generally lead to better understanding by both of the many practices, policies, procedures and agreements which affect employees and management.

The employee upon feeling that such grievance has occurred shall immediately discuss the matter with his/her department head. If the matter is not then disposed of to the mutual satisfaction of the employee and the department head, the following shall be followed:

(i) The employee shall, within five (5) working days from the date of occurrence of the alleged grievance, submit in writing to his/her department head, a complete statement of what he feels the grievance to be and the relief requested;

(ii) The department head shall then make a decision in writing within five (5) working days after receipt of the alleged grievance, reduced to writing. Copies of the alleged grievance and the answer shall be provided to the board of mayor and aldermen by the department head at this time. The alleged grievance may be resolved at any step in the above mentioned procedure by mutual concurrence of both parties. Notations of action taken shall be provided the board of mayor and aldermen by the department head for the permanent file.

If the answer of the department head does not resolve the grievance of the employee, or if the department head fails to reduce his decision to writing within five (5) working days period aforementioned, the alleged grievance may then be submitted in writing by the employee to the board of mayor and aldermen for a hearing, and the department head and anyone else involved may be requested to attend the hearing by either the board or the grieving employee. The hearing must be held within ten (10) days of the date requested in writing by the employee. This will be a hearing, not a trial, and the finding and decision of the board are final.

(3) Appeals. (a) An appeal is an action by an employee to respond to and express dissatisfaction with a specific action taken by the city or its department heads. Actions subject to appeal procedures include:

- (i) Demotion.
- (ii) Suspension.
- (iii) Termination.

(iv) An appeal action must be initiated within thirty days of the action that constitutes cause for the appeal. All appeals will be heard and decided by the board of mayor and aldermen.

(b) All appeals must be submitted in writing, and contain in a minimum the following information:

(i) A concise statement of facts indicating why the appellant is entitled to a reconsideration.

(ii) Factual evidence/documentation which will support reconsideration of the action being applied.

(iii) An indication of what determination is being requested by the appellant.

(c) For all appeals alleging discrimination, the appellant must include the date, time, place, name(s) of persons involved, and the specific act of discrimination.

(d) All appeals must be heard by the board within ten (10) days of the date the written appeals is submitted by the appellant. (Ord. #\_\_\_\_, Dec. 1987)

4-206. Separation from employment. (1) Separation from city employment may occur through the following means:

- (a) Resignation.
- (b) Lay-off.
- (c) Disability.
- (d) Dismissal.
- (e) Death.

At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody shall be transferred to the department head, or in the case of a department head to the board of mayor and aldermen. Certification of this shall be executed. Any amount due to a shortage in the above shall be withheld from the employee's final compensation.

(2) Resignation. An employee may resign by submitting in writing the reasons therefore, and the effective date, to his department head as far in advance as possible, but a minimum of two (2) weeks notice is required. Failure to comply with this requirement may be cause for denying future employment with the city. Unauthorized absence from work for a period of three (3) consecutive days may be considered by the department head as a resignation.

Department heads shall forward all notices of resignation to the board of mayor and aldermen immediately upon receipt.

(3) Lay-off. The department head, upon approval of the board of mayor and aldermen, may lay-off an employee when he deems it necessary by reason of shortage of funds or work, the abolition of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee. Whenever the lay-off of one or more employees shall become necessary, the board of mayor and aldermen shall notify the department head at least ten (10) days in advance, of the intended action and the reason. The department head shall thereupon furnish to the board the names of the employees to be laid off, in the order in which such lay-offs shall be effected. Temporary employees shall be laid off prior to probationary or regular employees.

(4) Disability. An employee may be separated for disability when he cannot perform required duties because of a physical or mental impairment. Actions may be initiated by the employee or the city, but in all cases it must be supported by medical evidence acceptable to the board of mayor and aldermen. The city may require an examination at its expense, and performed by a licensed physician of its choice.

(5) Dismissal. Dismissal is the involuntary separation of an employee from city service. For employees, who are not department heads, dismissal may be exercised in either of two ways:

(a) As the culmination or final phase of the disciplinary action process, as described in Section V of these rules and policies, or

(b) When a department head determines that an employee has violated a provision of the city charter, a city ordinance, an employee rule or personnel policy in such a serious manner that immediate action is required to protect the reputation of the city, or to assure the normal conduct of city business or performance of city services. In such cases, as determined by the department head, the employee may be placed on immediate suspension, and a hearing must be scheduled for the purpose of considering dismissal, before the board of mayor and aldermen within ten (10) days of the date the suspension is imposed. Notice of the scheduled hearing must be provided to the employee stating the nature of the charges, the action being recommended, the reasons for it, and advising him/her of the right to respond to the charges in writing. The notice of hearing shall be delivered to the employee as soon as possible, but no less than five (5) days prior to the date of the scheduled hearing. If the suspended employee fails to respond to the charges in writing prior to the starting time of the scheduled hearing, the board of mayor and aldermen may proceed to dismiss the employee without further consideration or discussion.

Actions by the board of mayor and aldermen to dismiss a department head shall follow the procedure set forth in Section V of these rules and policies.

Reasons for the dismissal of any employee include, but shall not be limited to:

- (i) Incompetency or inefficiency in the performance of duties;
- (ii) Conviction of a criminal offense or of a misdemeanor involving moral turpitude;
- (iii) Violations of any lawful and reasonable regulation, order or direction made or given by a superior officer; or insubordination that constitutes a serious breach of discipline;
- (iv) Public intoxication or drinking any intoxicating beverages while on duty, being addicted to the use of narcotics or being under the influence of a drug or narcotic while on duty;
- (v) Theft, destruction, carelessness or negligence in the use of the property of the city;
- (vi) Disgraceful personal conduct or language towards the public, toward fellow officers or employees, or abusive public criticism of his superior or other public officials;
- (vii) Unauthorized absence or abuse of leave privileges;
- (viii) Incapacity for proper performance of duties because of a permanent or chronic physical or mental defect;
- (ix) Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties.
- (x) Falsification of records or use of official position for personal advantage.
- (xi) Failure to pay or to make reasonable provisions for the future payment of just debts.
- (xii) Loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his duties.
- (xiii) Sexual harassment.
- (xiv) Violation of any of the provisions of the charter, ordinances, or these rules.

(6) Death. Separation shall be effective as of the date of death. All compensation due in accordance with this rule shall be paid to the estate of the employee, except for such sum as by law must be paid to the surviving spouse. (Ord. #\_\_\_\_, Dec. 1987)

4-206. Personnel rules and records. (1) Records. Personnel records except examinations, service rating reports, personnel histories, and such other

records as may be specified in these rules or by action of the board of mayor and aldermen as confidential, shall be public records and shall be open for public inspection during office hours and reasonable times in accordance with such procedures as the city recorder may prescribe. The city recorder shall retain records necessary to the proper administration of the personnel system, and shall prescribe necessary forms and reports for all necessary personnel changes.

(2) Amendments. Amendments or revisions to these rules may be recommended for adoption by the city recorder, or by the board of mayor and aldermen of its own motion. Such amendments or revisions of these rules shall become effective after public hearing and approval by ordinance of the board of mayor and aldermen.

(3) Conflicts. Should there be a conflict between this ordinance and the administrative rules of any department, the provisions of this ordinance shall govern. All department regulations and rules as presently constituted or hereinafter adopted, which are not in conflict with this ordinance shall be in effect. (Ord. #\_\_\_\_, Dec. 1987)

## CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

## SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program.

4-301. Title. This chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Jamestown. (Ord. #870, Aug. 2003)

4-302. Purpose. The City of Jamestown, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

(1) Provide a safe and healthful place and condition of employment that includes:

- (a) Top management commitment and employee involvement;
- (b) Continually analyze the worksite to identify all hazards and potential hazards;
- (c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
- (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

(2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

(3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.



(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (Ord. #870, Aug. 2003)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Jamestown shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Jamestown whether part-time or full-time, seasonal or permanent. (Ord. #870, Aug. 2003)

4-304. Standards authorized. The occupational safety and health standards adopted by the City of Jamestown are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972.<sup>1</sup> (Ord. #870, Aug. 2003)

4-305. Variances from standards authorized. The City of Jamestown may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Jamestown shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the safety director shall be deemed sufficient notice to employees. (Ord. #870, Aug. 2003)

4-306. Administration. For the purposes of this chapter, David Witt is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer this safety plan. The director shall develop a plan of operation for the program and

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #870, Aug. 2003)

4-307. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. (Ord. #870, Aug. 2003)

## CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

## SECTION

4-401. Enforcement.

4-402. Travel policy.

4-403. Travel reimbursement rate schedules.

4-404. Administrative procedures.

4-401. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #345, July 1993)

4-402. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) directly related to the conduct of the city business for which travel was authorized, and

(b) actual, reasonable, and necessary under the circumstances.

The CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #345, July 1993)

4-403. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change when the federal rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (Ord. #345, July 1993)

4-404. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #345, July 1993)

## **TITLE 5**

### **MUNICIPAL FINANCE AND TAXATION<sup>1</sup>**

#### **CHAPTER**

1. MISCELLANEOUS.
2. REAL AND PERSONAL PROPERTY TAXES.
3. PRIVILEGE TAXES.
4. WHOLESALE BEER TAX.

#### **CHAPTER 1**

#### **MISCELLANEOUS**

#### **SECTION**

- 5-101. Official depository for city funds.
- 5-102. Public advertising limit for municipal purchases.

**5-101. Official depository for city funds.** The Union Bank of Jamestown, Tennessee, the Fentress County Bank, and the Progressive Savings Bank are hereby designated as the official depositories for all municipal funds. (Ord. #390, Oct. 1994)

**5-102. Public advertising limit for municipal purchases.** The dollar amount for public advertisement and competitive bidding is ten thousand dollars (\$10,000.00). (as added by Ord. #940, Sept. 2005)

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<sup>1</sup>Charter references  
Depositories: art. V, § 8.

## CHAPTER 2

### REAL AND PERSONAL PROPERTY TAXES

#### SECTION

5-201. When due and payable, and delinquent; penalty and interest.

**5-201. When due and payable, and delinquent; penalty and interest.**<sup>1</sup> Taxes levied by the city against real property shall become due, payable, and delinquent<sup>2</sup> on the dates set forth in the city's charter in section 10 of article 5. Upon delinquency, they shall be subject to the penalties and interest<sup>3</sup> set forth in section 10 of article 5. (1981 Code, § 6-201)

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<sup>1</sup>State law references

Tennessee Code Annotated, §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the county trustee. Apparently, under those same provisions, if a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

<sup>2</sup>Charter and state law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

- (1) Under the provisions of its charter for the collection of delinquent property taxes.
- (2) Under Tennessee Code Annotated, §§ 6-55-201--6-55-206.
- (3) By the county trustee under Tennessee Code Annotated, § 6-5-2005.

<sup>3</sup>Charter and state law reference

Tennessee Code Annotated, § 67-5-2010(b) provides that if the county trustee collects the municipality's property taxes, a penalty of ½ of 1% and interest of 1% shall be added on the first day of March, following the tax due date and on the first day of each succeeding month.

## CHAPTER 3

### PRIVILEGE TAXES

#### SECTION

5-301. Tax levied.

5-302. License required.

**5-301. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at one-half ( $\frac{1}{2}$ ) the rates prescribed therein, subject, however, to the minimum tax, in the manner prescribed by the act. (1981 Code, § 6-301)

**5-302. License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon such applicant's payment of the appropriate privilege tax. (1981 Code, § 6-302)

## CHAPTER 4

**WHOLESALE BEER TAX****SECTION**

5-401. To be collected.

**5-401. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1981 Code, § 6-401)

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 57, chapter 6 provides for a tax of 17% on the sale of beer at wholesale. Every wholesaler is required to remit to each municipality the amount of the net tax on beer wholesale sales to retailers and other persons within the corporate limits of the municipality.



## TITLE 6

### LAW ENFORCEMENT

#### CHAPTER

1. POLICE AND ARREST.
2. POLICE POLICIES AND PROCEDURES HANDBOOK.

#### CHAPTER 1

### POLICE AND ARREST<sup>1</sup>

#### SECTION

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.

**6-101. Policemen subject to chief's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (Ord. #1-400, Nov. 1982)

**6-102. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (Ord. #1-400, Nov. 1982)

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (Ord. #1-400, Nov. 1982)

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<sup>1</sup>Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

**6-104. When policemen to make arrests**<sup>1</sup>. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (Ord. #1-400, Nov. 1982)

**6-105. Policemen may require assistance**. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (Ord. #1-400, Nov. 1982)

**6-106. Disposition of persons arrested**. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (Ord. #1-400, Nov. 1982)

**6-107. Police department records**. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

(1) All known or reported offenses and/or crimes committed within the corporate limits.

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (Ord. #1-400, Nov. 1982)

## CHAPTER 2

### **POLICE POLICIES AND PROCEDURES HANDBOOK**

#### **SECTION**

6-201. Police handbook.

**6-201. Police handbook.** The Police Policies and Procedures Handbook is on file in the Jamestown City Hall. (as added by Ord. #1240, July 2011)

## **TITLE 7**

### **FIRE PROTECTION AND FIREWORKS<sup>1</sup>**

#### **CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. VOLUNTEER FIRE DEPARTMENT.
4. FIREWORKS.

#### **CHAPTER 1**

#### **FIRE DISTRICT**

#### **SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be the area defined in the zoning ordinance and zoning map as the central business district. (1981 Code, § 7-101)

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Fire hydrant color-coding policy: § 18-130.

## CHAPTER 2

### FIRE CODE<sup>1</sup>

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Modifications.
- 7-204. Gasoline trucks.
- 7-205. Variances.
- 7-206. Violations and penalties.

**7-201. Fire code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operations, the International Fire Code,<sup>2</sup> 2003 edition, as recommended by the International Code Council, is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the international fire code has been filed with the city recorder and is available for public use and inspection. Said international fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits.

**7-202. Enforcement.** The international fire code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal.

**7-203. Modifications.** The International Fire Code adopted in § 7-101 above is modified by deleting therefrom section 108, titled “Board of Appeals,” in its entirety; § 7-106 below shall control appeals.

**7-204. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline.

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

**7-205. Variances.** The chief of the fire department may recommend to the board of mayor and aldermen variances from the provisions of the international fire code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the board of mayor and aldermen.

**7-206. Violations and penalties.** It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The violation of any section of this chapter shall be punishable by a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions.

## CHAPTER 3

### **VOLUNTEER FIRE DEPARTMENT**<sup>1</sup>

#### **SECTION**

7-301. Establishment, equipment, and membership.

7-302. Objectives.

7-303. Organization, rules, and regulations.

7-304. Records and reports.

7-305. Tenure and compensation of members.

7-306. Chief responsible for training and maintenance.

7-307. Chief to be assistant to state officer.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers and firemen as the board of mayor and aldermen shall appoint. (1981 Code, § 7-301)

**7-302. Objectives.** The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1981 Code, § 7-302)

**7-303. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1981 Code, § 7-303)

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters

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<sup>1</sup>Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1981 Code, § 7-304)

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the volunteer fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1981 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department, shall be fully responsible for the training of the firemen and for maintenance of all property and equipment of the fire department. The minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1981 Code, § 7-306)

**7-307. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1981 Code, § 7-307)



## **CHAPTER 4**

### **FIREWORKS**

#### **SECTION**

7-401. Fireworks prohibited.

**7-401. Fireworks prohibited.** It shall be unlawful for anyone to sell or offer for sale any type of fireworks within the corporate limits of the City of Jamestown, Tennessee. It shall be unlawful to discharge any type of fireworks within the corporate limits of the City of Jamestown, Tennessee, and on any city owned property that is outside the city limits. (as added by Ord. #970, July 2006)

## TITLE 8

ALCOHOLIC BEVERAGES<sup>1</sup>

## CHAPTER

1. INTOXICATING LIQUORS.
2. BEER.

## CHAPTER 1

INTOXICATING LIQUORS

## SECTION

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable state laws<sup>2</sup> and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for any intoxicating liquor within the City of Jamestown. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (1981 Code, § 2-101)

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<sup>1</sup>Municipal code reference

Alcoholic beverages: title 11.

State law reference

Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference

Tennessee Code Annotated, title 39, chapter 17.

## CHAPTER 2

BEER<sup>1</sup>

## SECTION

8-201. Business prohibited.

8-201. Business prohibited. It shall be unlawful for any person to sell, store for sale, distribute for sale, or to manufacture beer within the corporate limits of the City of Jamestown. "Beer" for the purposes of this section shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (1981 Code, § 2-201)

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<sup>1</sup>Municipal code reference

Alcoholic beverages: title 11.

State law reference

For a leading case on a municipality's authority to regulate beer, see the Tennessee Supreme Court decision in Watkins v. Naifeh, 635 S.W.2d 104 (1982).

## TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. POOL ROOMS.
5. CABLE TELEVISION.

## CHAPTER 1

MISCELLANEOUS

## SECTION

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1981 Code, § 5-101)

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<sup>1</sup>Municipal code references

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

PEDDLERS, ETC.<sup>1</sup>

## SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Law enforcement officers to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

9-201. Permit required. It shall be unlawful for any peddler, canvasser or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1981 Code, § 5-201)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (1981 Code, § 5-202)

9-203. Application for permit. Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

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<sup>1</sup>Municipal code references  
Privilege taxes: title 5.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to evaluate properly the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; and if so, the nature of the offense; and, the punishment or penalty assessed therefor.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the municipality to cover the cost of investigating the facts stated therein. (1981 Code, § 5-203)

9-204. Issuance or refusal of permit. (1) Each application shall be referred to the law enforcement agency for investigation. The law enforcement agency shall report its findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the law enforcement agency reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued.

(3) If, on the other hand, the law enforcement agency's report indicates that the moral reputation and business responsibility of the applicant are satisfactory, the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1981 Code, § 5-204)

9-205. Appeal. Any person aggrieved by the action of the law enforcement agency and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant

at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by an officer of the law enforcement agency in the same manner as a summons at least three (3) days prior to the date set for hearing. (1981 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the City of Jamestown and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1981 Code, § 5-206)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1981 Code, § 5-207)

9-208. Use of streets. No permittee shall have any exclusive right to any location in the public streets, or on any public sidewalk, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1981 Code, § 5-208)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any law enforcement officer or citizen. (1981 Code, § 5-209)

9-210. Law enforcement officers to enforce. It shall be the duty of all law enforcement officers for the city to see that the provisions of this chapter are enforced. (1981 Code, § 5-210)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the board of mayor and aldermen after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1981 Code, § 5-211)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1981 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1981 Code, § 5-213)



## CHAPTER 3

CHARITABLE SOLICITORS

## SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1981 Code, § 5-301)

9-302. Prerequisites for a permit. The recorder shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

- (1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.
- (2) The control and supervision of the solicitation will be under responsible and reliable persons.
- (3) The applicant has not engaged in any fraudulent transaction or enterprise.
- (4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.
- (5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1981 Code, § 5-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1981 Code, § 5-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any law enforcement officer or person solicited. (1981 Code, § 5-304)

## CHAPTER 4

POOL ROOMS<sup>1</sup>

## SECTION

9-401. Prohibited in residential areas.

9-402. Hours of operation regulated.

9-403. Minors to be kept out; exception.

9-401. Prohibited in residential areas. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1981 Code, § 5-401)

9-402. Hours of operation regulated. It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1981 Code, § 5-402)

9-403. Minors to be kept out; exception. It shall be unlawful for any person engaged regularly, or otherwise, in keeping billiard, bagatelle, or pool rooms or tables, or for their employees, agents, servants, or other persons for them, knowingly to permit any person under the age of eighteen (18) years to play on said tables at any game of billiards, bagatelle, pool, or other games requiring the use of cue and balls, without first having obtained the written consent of the father and mother of such minor, if the father and mother are living. If the father is dead, then written permission must be obtained from the mother, guardian, or other person having legal control of such minor. If the minor is in attendance as a student at some literary institution, then the written consent of the principal or person in charge of such school must be obtained. This section shall not apply to the use of billiards, bagatelle, and pool tables in private residences. (1981 Code, § 5-403)

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<sup>1</sup>Municipal code reference  
Privilege taxes: title 5.

## CHAPTER 5

CABLE TELEVISION

## SECTION

- 9-501. Definitions.
- 9-502. Purpose; interpretation.
- 9-503. Filing; addition information; burden of proof.
- 9-504. Proprietary information.
- 9-505. Public notice; initial review of rates.
- 9-506. Tolling order.
- 9-507. Public notice; hearing on basic cable service rates following tolling of 30-day deadline.
- 9-508. Staff consultant report; written response.
- 9-509. Rate decisions and orders.
- 9-510. Refunds; notice.
- 9-511. Written decisions; public notice.
- 9-512. Rules and regulations.
- 9-513. Failure to give notice.
- 9-514. Additional hearings.
- 9-515. Additional powers.
- 9-516. Failure to comply; remedies.

9-501. Definitions. For purposes of this chapter:

- (1) "Act" shall mean the Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385), and as may be amended from time to time;
- (2) "FCC" shall mean the Federal Communications Commission;
- (3) "FCC Rules" shall mean all rules of the FCC promulgated from to time pursuant to the Act;
- (4) "Basic cable service" shall mean "basic service" as defined in the FCC Rules, and any other cable television service which is subject to rate regulation by the City of Jamestown, Tennessee, pursuant to the Act and the FCC Rules;
- (5) "Associated equipment" shall mean all equipment and services subject to regulation pursuant to 47 CFR 76.923; and an
- (6) "Increase" in rates shall mean an increase in rates or a decrease in program or customer services.

All other words and phrases used in this chapter shall have the same meaning as defined in the Act and FCC Rules. (Ord. #360, Oct. 1993)

9-502. Purpose; interpretation. The purpose of this chapter is to:

(1) Adopt regulations consistent with the act and the FCC Rules with respect to basic cable service rate regulation, and

(2) Prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the City of Jamestown, Tennessee. (Ord. #360, Oct. 1993)

9-503. Filing; additional information; burden of proof. (1) A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the act and the FCC Rules. The cable operator shall include information as necessary to show that its schedule of rates or its proposed increase in rates complies with the act and the FCC Rules. The cable operator shall file ten (10) copies of the schedule or proposed increase with the City Recorder for the City of Jamestown, Tennessee. For purposes of this chapter, the filing of the cable operator shall be deemed to have been made when at least ten (10) copies have been received by the City Recorder for the City of Jamestown, Tennessee. The board of mayor and aldermen may, by resolution or otherwise, adopt rules and regulations prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.

(2) In addition to information and data required by rules and regulations of the City of Jamestown, Tennessee pursuant to section (1) above, a cable operator shall provide all information requested by the Mayor of the City of Jamestown, Tennessee in connection with the review of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The Mayor for the City of Jamestown, Tennessee may establish deadlines for submission for the requested information.

(3) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the act and the FCC Rules including, without limitation, 47 USC 543 and 47 CFR 76.922 and 76.923 and is no greater than the rates subscribers would pay for basic service if the cable system were subject to effective competition. (Ord. #360, Oct. 1993)

9-504. Proprietary information. (1) If this chapter, any rules or regulations adopted by the City of Jamestown, Tennessee pursuant to § 9-503(1), or any request for information pursuant to § 9-503(2) requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for

confidentiality will be granted if the City of Jamestown, Tennessee determines that the preponderance of the evidence shows that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. The City of Jamestown, Tennessee shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied

(a) Where the cable operator is proposing, a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or

(b) The cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.

(2) Any interested party may file a request to inspect material withheld as proprietary with the City of Jamestown, Tennessee. The City of Jamestown, Tennessee shall weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.

(3) The procedures set forth in this section shall be construed as analogous to and consistent with the FCC Rules regarding requests for confidentiality including, without limitation, 47 CFR 0.459. (Ord. #360, Oct. 1993)

9-505. Public notice; initial review of rates. Upon the filing of ten (10) copies of the schedule of rates or the proposed increase in rates pursuant to § 9-503(1) above, the City Recorder for the City of Jamestown, Tennessee shall publish a public notice in a newspaper of general circulation in the City of Jamestown, Tennessee which shall state that:

(1) The filing has been received by the City Recorder for the City of Jamestown, Tennessee and (except those parts which may be withheld as proprietary) is available for public inspection and copying, and

(2) Interested parties are encouraged to submit written comments on the filing to the City Recorder for the City of Jamestown, Tennessee not later than seven (7) days after the public notice is published. The City Recorder for the City of Jamestown, Tennessee shall give notice to the cable operator of the date, time, and place of the meeting at which the Board of Mayor and Aldermen for the City of Jamestown, Tennessee shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first-class mail at least three (3) days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the board of mayor and aldermen, then the City Recorder for

the City of Jamestown, Tennessee shall mail a copy of the report by first-class mail to the cable operator at least three (3) days before the meeting at which the board of mayor and aldermen shall first consider the schedule of rates or the proposed increase. (Ord. #360, Oct. 1993)

9-506. Tolling order. After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after thirty (30) days from the date of filing under § 9-503(1) above unless the board of mayor and aldermen (or other properly authorized body or official) tolls the thirty (30) day deadline pursuant to 47 CFR 76.933 by issuing a brief written order, by resolution or otherwise, within thirty (30) days of the date of filing. The board of mayor and aldermen may toll the thirty (30) day deadline for an additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings. (Ord. #360, Oct. 1993)

9-507. Public notice; hearing on basic cable service rates following tolling of 30-day deadline. If a written order has been issued pursuant to Section 7 and 47 CFR 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the City of Jamestown, Tennessee any additional information required or requested pursuant to § 9-503 of this chapter. In addition, the board of mayor and aldermen shall hold a public hearing to consider the comments of interested parties within the additional 90 day or 150 day period, as the case may be. The City Recorder for the City of Jamestown, Tennessee shall publish a public notice of the public hearing in a newspaper of general circulation within the City of Jamestown, Tennessee which shall state:

- (1) The date, time, and place at which the hearing shall be held,
- (2) Interested parties may appear in person, by agent, or by letter at such hearing to submit comments or objections to the existing rates or the proposed increase in rates, and
- (3) Copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the city recorder. The public notice shall be published not less than fifteen (15) days before the hearing. In addition, the City Recorder for the City of Jamestown, Tennessee shall mail by first-class mail a copy of the public notice to the cable operator not less than fifteen (15) days before the hearing. (Ord. #360, Oct. 1993)

9-508. Staff or consultant report; written response. Following the public hearing, the Mayor for the City of Jamestown, Tennessee shall cause a report to be prepared for the board of mayor and aldermen which shall (based on the filing of the cable operator, the comments or objections of interested parties,

information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decision of the board of mayor and aldermen pursuant to § 9-509. The City Recorder for the City of Jamestown, Tennessee shall mail a copy of the report to the cable operator by first-class mail not less than twenty (20) days before the board of mayor and aldermen act under § 9-509. The cable operator may submit a written response to the report provided that the response is filed with the City Recorder for the City of Jamestown, Tennessee within ten (10) days after the report is mailed to the cable operator. If the response is mailed to the cable operator, the City Recorder for the City of Jamestown, Tennessee shall forward it to the board of mayor and aldermen. (Ord. #360, Oct. 1993)

9-509. Rate decisions and orders. The board of mayor and aldermen shall issue a written order, by resolution or otherwise, which in whole or in part,

(1) Approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, or

(2) Denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, or

(3) Allows the existing rates or proposed increase to become effective subject to refund, or

(4) Orders other appropriate relief, in accordance with the FCC Rules.

If the board of mayor and aldermen issue an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR 76.933. The order specified in this section shall be issued within 90 days of the tolling order under § 9-506 in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under § 9-506 in all cases involving a cost-of-service showing. (Ord. #360, Oct. 1993)

9-510. Refunds; notice. The board of mayor and aldermen may order a refund to subscriber as provided in 47 CFR 76.942. Before the board of mayor and aldermen order any refund to subscribers, the City Recorder for the City of Jamestown, Tennessee shall give at least seven (7) days written notice to the cable operator by first-class mail of the date, time, and place at which the board of mayor and aldermen shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the board of mayor and aldermen. (Ord. #360, Oct. 1993)

9-511. Written decisions; public notice. Any order of the board of mayor and aldermen pursuant to § 9-509 or § 9-510 shall be in writing, and shall be effective upon adoption by the board of mayor and aldermen, and shall be

deemed released to the public upon adoption. The city recorder shall publish a public notice of any such written order in a newspaper of general circulation within the City of Jamestown, Tennessee which shall

- (1) Summarize the written decision and
- (2) State that copies of the text of the written decision are available for inspection or copying from the office of the city recorder. In addition the city recorder shall mail a copy of the text of the written decision to the cable operator by first-class mail. (Ord. #360, Oct. 1993)

9-512. Rules and regulations. In addition to rules promulgated pursuant to § 9-503 the board of mayor and aldermen may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC Rules. (Ord. #360, Oct. 1993)

9-513. Failure to give notice. The failure of the City Recorder for the City of Jamestown, Tennessee to give the notices or to mail copies of reports as required by this chapter shall not invalidate the decisions or proceedings of the board of mayor and aldermen. (Ord. #360, Oct. 1993)

9-514. Additional hearings. In addition to the requirements of this ordinance, the board of mayor and aldermen may hold additional public hearings upon such reasonable notice as the board of mayor and aldermen, in their sole discretion, shall prescribe. (Ord. #360, Oct. 1993)

9-515. Additional powers. The City of Jamestown, Tennessee shall possess all powers conferred by the act, the FCC Rules, and all other applicable law. The powers exercised pursuant to the act, the FCC Rules, and this chapter shall be in addition to powers otherwise conferred by law. The City of Jamestown, Tennessee may take any action not prohibited by the act and/or the FCC Rules to protect the public interest in connection with the basic cable service rate regulation. (Ord. #360, Oct. 1993)

9-516. Failure to comply; remedies. The City of Jamestown, Tennessee may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the City of Jamestown, Tennessee for failure to comply with the act, the FCC Rules, any orders or determinations of the City of Jamestown, Tennessee pursuant to this chapter, any requirements of this chapter, or any rules or regulations promulgated hereunder. Failure to comply with the act, the FCC Rules, any orders or determinations of the City of Jamestown, Tennessee pursuant to this chapter, any requirements of this chapter, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for



revocation or denial of renewal of a cable operator's franchise. (Ord. #360, Oct. 1993)

## TITLE 10

ANIMAL CONTROL

## CHAPTER

1. IN GENERAL.
2. DOGS.

## CHAPTER 1

IN GENERAL

## SECTION

- 10-101. Running at large prohibited.
- 10-102. Keeping near a residence or business restricted.
- 10-103. Pen or enclosure to be kept clean.
- 10-104. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1981 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1981 Code, § 3-102)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1981 Code, § 3-103)

10-104. Adequate food, water, and shelter, etc., to be provided. No animal or fowl shall be kept or confined in any place where the food, water,

shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1981 Code, § 3-104)

10-105. Keeping in such manner as to become a nuisance prohibited. No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1981 Code, § 3-105)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1981 Code, § 3-106)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl a reasonable fee, to cover the costs of impoundment and maintenance. (1981 Code, § 3-107)

10-108. Inspections of premises. For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1981 Code, § 3-108)

## CHAPTER 2

DOGS

## SECTION

10-201. Rabies vaccination and registration required.

10-202. Dogs to wear tags.

10-203. Running at large prohibited.

10-204. Vicious dogs to be securely restrained.

10-205. Noisy dogs prohibited.

10-206. Confinement of dogs suspected of being rabid.

10-207. Seizure and disposition of dogs.

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1981 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1981 Code, § 3-202)

10-203. Running at large prohibited.<sup>1</sup> It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1981 Code, § 3-203)

10-204. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (1981 Code, § 3-204)

10-205. Noisy dogs prohibited. No person shall own, keep, or harbor any dog which, by loud and frequent barking, whining, or howling, annoys, or disturbs the peace and quiet of any neighborhood. (1981 Code, § 3-205)

10-206. Confinement of dogs suspected of being rabid. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may

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<sup>1</sup>State law reference

Tennessee Code Annotated, §§ 68-8-108 and 68-8-109.

cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1981 Code, § 3-206)

10-207. Seizure and disposition of dogs. Any dog found running at large may be seized by the health officer or any police officer and placed in a pound provided or designated by the board of mayor and aldermen. If said dog is wearing a tag the owner shall be notified in person, by telephone, or by a postcard addressed to his last-known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be humanely destroyed or sold. If said dog is not wearing a tag it shall be humanely destroyed or sold unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and had a tag evidencing such vaccination placed on its collar.

When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the health officer or any policeman.<sup>1</sup> (1981 Code, § 3-207)

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<sup>1</sup>State law reference

For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

## TITLE 11

MUNICIPAL OFFENSES<sup>1</sup>

## CHAPTER

1. ALCOHOL.
2. FORTUNE TELLING, ETC.
3. OFFENSES AGAINST THE PEACE AND QUIET.
4. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
5. FIREARMS, WEAPONS AND MISSILES.
6. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
7. MISCELLANEOUS.

## CHAPTER 1

ALCOHOL<sup>2</sup>

## SECTION

11-101. Drinking beer, etc., on streets, etc.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1981 Code, § 10-227)

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

Streets and sidewalks (non-traffic): title 16.

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

CHAPTER 2

FORTUNE TELLING, ETC.

SECTION

11-201. Fortune telling, etc.

11-201. Fortune telling, etc. It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1981 Code, § 10-233)

## CHAPTER 3

OFFENSES AGAINST THE PEACE AND QUIET

## SECTION

11-301. Disturbing the peace.

11-302. Anti-noise regulations.

11-301. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1981 Code, § 10-202)

11-302. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 10:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or



disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Municipal vehicles. Any vehicle of the city while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1981 Code, § 10-232)

## CHAPTER 4

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

## SECTION

11-401. Impersonating a government officer or employee.

11-402. False emergency alarms.

11-403. Resisting or interfering with city personnel.

11-401. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1981 Code, § 10-211)

11-402. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1981 Code, § 10-217)

11-403. Resisting or interfering with city personnel. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the city while such officer or employee is performing or attempting to perform his municipal duties. (1981 Code, § 10-210)

## CHAPTER 5

FIREARMS, WEAPONS AND MISSILES

## SECTION

11-501. Air rifles, etc.

11-502. Throwing of missiles.

11-503. Weapons and firearms generally.

11-501. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1981 Code, § 10-213)

11-502. Throwing of missiles. It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1981 Code, § 10-214)

11-503. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the city. (1981 Code, § 10-212, modified)

## CHAPTER 6

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE  
WITH TRAFFIC

## SECTION

11-601. Trespassing.

11-602. Interference with traffic.

11-601. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1981 Code, § 10-225)

11-602. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1981 Code, § 10-231)

## CHAPTER 7

MISCELLANEOUS

## SECTION

11-701. Abandoned refrigerators, etc.

11-702. Caves, wells, cisterns, etc.

11-703. Posting notices, etc.

11-704. Wearing masks.

11-705. Boats and swimming in city lake.

11-701. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1981 Code, § 10-222)

11-702. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1981 Code, § 10-230)

11-703. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1981 Code, § 10-226)

11-704. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1981 Code, § 10-234)

11-705. Boats and swimming in city lake. It shall be unlawful for any person, firm, or corporation to use any type of boat which is powered by any type of combustion engine on the city lake unless there is an emergency such as a rescue operation.

It shall also be unlawful to swim in the city lake at any time, and signs indicating that swimming is prohibited shall be erected at the lake. (1981 Code, § 12-113)

## **TITLE 12**

### **BUILDING, UTILITY, ETC. CODES**

#### **CHAPTER**

1. BUILDING CODE.
2. RESIDENTIAL CODE.

#### **CHAPTER 1**

### **BUILDING CODE**

#### **SECTION**

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. [Repealed.]
- 12-104. [Repealed.]

**12-101. Building code adopted.** A certain document, one (1) copy of which is on file in the office of the Recorder of the City of Jamestown, being marked and designated as the International Building Code, 2006 edition, including all appendix chapters, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Jamestown, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of building code on file in the office of the City of Jamestown are hereby referred to, adopted, and made a part hereof; as if fully set out in this chapter. (as added by Ord. #910, May 2005, replaced by Ord. #1080, May 2009, and amended by Ord. #1160, Nov. 2010)

**12-102. Modifications.** (1) Definitions. Whenever in the building code reference is made to the duties of a certain official named therein, that designated official of the City of Jamestown who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of the building code are concerned.

- (2) Permit fees. The schedule of permit fees shall be as follows:



Total Valuation:

\$1,000 and less-----	No fee unless inspection is required, in which case a \$15 fee for each inspection shall be charged.
\$1,000 to \$50,000-----	\$15 for the first \$1,000 plus \$5 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,000 to \$100,000-----	\$260 for the first \$5,000 plus \$4 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,000 to \$500,000-----	\$460 for the first \$100,000 plus \$3 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,000 and up-----	\$1,660 for the first \$500,000 plus \$2 for each additional thousand or fraction thereof.
Moving Fee-----	For the moving of any building or structures, the fee shall be \$100.

For the demolition of any building or structure, the fee shall be \$50.

Where work for which a permit is required by this code is started or proceeded prior to obtaining said permit, the fees will be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of work nor from any other penalties prescribed herein.

Jamestown retains 25 percent up to \$500,000---above \$500,000, Jamestown will retain 35 percent.

All license fees---Jamestown retains 100 percent.

All commercial building---Jamestown will retain 25 percent.

Any plumbing permits---Jamestown will retain 15 percent of all plumbing permit fees. (as added by Ord. #910, May 2005)

**12-103. [Repealed].** (as added by Ord. #910, May 2005, and repealed by Ord. #1080, May 2009)

**12-104. [Repealed].** (as added by Ord. #910, May 2005, and repealed by Ord. #1080, May 2009)

## CHAPTER 2

### RESIDENTIAL CODE

#### SECTION

12-201. Residential code adopted.

**12-201. Residential code adopted.** A certain document, one (1) copy of which is on file in the office of the Recorder of the City of Jamestown, being marked and designated as the International Residential Code, 2006 edition, including all appendix chapters, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Jamestown, in the State of Tennessee, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the City of Jamestown are hereby referred to, adopted, and made a part hereof, as if fully set out in this section. (as added by Ord. #1010, Feb. 2007, replaced by Ord. #1090, May 2009, and amended by Ord. #1170, Nov. 2010)

## TITLE 13

PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.

13-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1981 Code, § 8-101)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1981 Code, § 8-105)

13-103. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1981 Code, § 8-106)

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property,

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

and it shall be unlawful for any person to fail to comply with an order by the city recorder or law enforcement officer to cut such vegetation when it has reached a height of over one (1) foot. (1981 Code, § 8-107)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1981 Code, § 8-108)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1981 Code, § 8-109)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1981 Code, § 8-104)

## CHAPTER 2

JUNKYARDS

## SECTION

## 13-201. Junkyards.

13-201. Junkyards.<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1981 Code, § 8-110)

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<sup>1</sup>State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

## TITLE 14

### ZONING AND LAND USE CONTROL<sup>1</sup>

#### CHAPTER

#### 1. MUNICIPAL PLANNING COMMISSION.

#### CHAPTER 1

### MUNICIPAL PLANNING COMMISSION

#### SECTION

14-101. Creation and membership.

14-102. Organization, powers, duties, etc.

14-103. Additional powers.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1981 Code, § 11-101)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1981 Code, § 11-102)

**14-103. Additional powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1981 Code, § 11-103)

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<sup>1</sup>The zoning ordinance and municipal flood damage prevention ordinance for the City of Jamestown are available in the city recorder's office.

## TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

## CHAPTER 1

MISCELLANEOUS<sup>2</sup>

## SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.

15-101. Motor vehicle requirements. It shall be unlawful for any person to operate any motor vehicle within the corporate limits unless such vehicle is equipped with properly operating muffler, lights, brakes, horn, and such other equipment as is prescribed and required by Tennessee Code Annotated, title 55, chapter 9. (1981 Code, § 9-101)

15-102. Driving on streets closed for repairs, etc. Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1981 Code, § 9-106)

15-103. Reckless driving. Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1981 Code, § 9-107)

15-104. One-way streets. On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1981 Code, § 9-108)

15-105. Unlaned streets. (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(c) Upon a roadway designated and signposted by the city for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1981 Code, § 9-109)



15-106. Laned streets. On streets marked with traffic lanes, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of the proper lane for his direction of travel except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

On two (2) lane and three (3) lane streets, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On streets with four (4) or more lanes, either of the right hand lanes shall be available for use except that traffic moving at less than the normal rate of speed shall use the extreme right hand lane. On one-way streets either lane may be lawfully used in the absence of markings to the contrary. (1981 Code, § 9-110)

15-107. Yellow lines. On streets with a yellow line placed to the right of any lane line or center line, such yellow line shall designate a no-passing zone, and no operator shall drive his vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such street. (1981 Code, § 9-111)

15-108. Miscellaneous traffic-control signs, etc.<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1981 Code, § 9-112)

15-109. General requirements for traffic-control signs, etc. Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways,<sup>2</sup> and shall be uniform as to type and location throughout the city.

15-110. Unauthorized traffic-control signs, etc. No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

<sup>2</sup>For the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, see the Official Compilation of the Rules and Regulations of the State of Tennessee, § 1680-3-1, et seq.

an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1981 Code, § 9-114)

15-111. Presumption with respect to traffic-control signs, etc. When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper authority. (1981 Code, § 9-115)

15-112. School safety patrols. All motorists and pedestrians shall obey the directions or signals of school safety patrols when such patrols are assigned under the authority of the law enforcement agency and are acting in accordance with instructions; provided, that such persons giving any order, signal, or direction shall at the time be wearing some insignia and/or using authorized flags for giving signals. (1981 Code, § 9-116)

15-113. Driving through funerals or other processions. Except when otherwise directed by a law enforcement officer, no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. (1981 Code, § 9-117)

15-114. Clinging to vehicles in motion. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1981 Code, § 9-119)

15-115. Riding on outside of vehicles. It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place, to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1981 Code, § 9-120)

15-116. Backing vehicles. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. (1981 Code, § 9-121)

15-117. Projections from the rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such

position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1981 Code, § 9-122)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1981 Code, § 9-123)

15-119. Vehicles and operators to be licensed. It shall be unlawful for any person to operate a motor vehicle in violation of the "Tennessee Motor Vehicle Title and Registration Law" or the "Uniform Motor Vehicle Operators' and Chauffeurs' License Law." (1981 Code, § 9-124)

15-120. Passing. Except when overtaking and passing on the right is permitted, the driver of a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

When the street is wide enough, the driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction either upon the left or upon the right on a street of sufficient width for four (4) or more lanes of moving traffic when such movement can be made in safety.

No person shall drive off the pavement or upon the shoulder of the street in overtaking or passing on the right.

When any vehicle has stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross the street, no operator of any other vehicle approaching from the rear shall overtake and pass such stopped vehicle.

No vehicle operator shall attempt to pass another vehicle proceeding in the same direction unless he can see that the way ahead is sufficiently clear and unobstructed to enable him to make the movement in safety. (1981 Code, § 9-125)

15-121. Damaging pavements. No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1981 Code, § 9-118)

15-122. Bicycle riders, etc. Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

No person operating or riding a bicycle, motorcycle, or motor driven cycle shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor driven cycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor driven cycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebar.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor driven cycle while any other person is a passenger upon said motor vehicle.

No person shall operate or ride upon any motorcycle, motorbike, or motor driven cycle unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. (1981 Code, § 9-126)

## CHAPTER 2

EMERGENCY VEHICLES

## SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

15-201. Authorized emergency vehicles defined. Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1981 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1981 Code, § 9-103)

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

15-203. Following emergency vehicles. No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1981 Code, § 9-104)

15-204. Running over fire hoses, etc. It shall be unlawful for any person to drive over any hose lines or other equipment of the fire department except in obedience to the direction of a fireman or policeman. (1981 Code, § 9-105)

## CHAPTER 3

SPEED LIMITS

## SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

15-301. In general. It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty (30) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1981 Code, § 9-201)

15-302. At intersections. It shall be unlawful for any person to drive a motor vehicle through any intersection at a rate of speed in excess of fifteen (15) miles per hour unless such person is driving on a street regulated by traffic-control signals or signs which require traffic to stop or yield on the intersecting streets. (1981 Code, § 9-202)

15-303. In school zones. Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

When the board of mayor and aldermen has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of forty (40) minutes before the opening hour of a school or a period of forty (40) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1981 Code, § 9-203)

15-304. In congested areas. It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the city. (1981 Code, § 9-204)

## CHAPTER 4

TURNING MOVEMENTS

## SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-401. Generally. No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1981 Code, § 9-301)

15-402. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1981 Code, § 9-302)

15-403. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1981 Code, § 9-303)

15-404. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1981 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1981 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.



## CHAPTER 5

STOPPING AND YIELDING

## SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At "stop" signs.
- 15-505. At "yield" signs.
- 15-506. At traffic-control signals generally.
- 15-507. At flashing traffic-control signals.
- 15-508. Stops to be signaled.

15-501. Upon approach of authorized emergency vehicles.<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1981 Code, § 9-401)

15-502. When emerging from alleys, etc. The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1981 Code, § 9-402)

15-503. To prevent obstructing an intersection. No driver shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1981 Code, § 9-403)

15-504. At "stop" signs. The driver of a vehicle facing a "stop" sign shall bring his vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

before entering the intersection, and shall remain standing until he can proceed through the intersection in safety. (1981 Code, § 9-404)

15-505. At "yield" signs. The drivers of all vehicles shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted. (1981 Code, § 9-405)

15-506. At traffic-control signals generally. Traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, shall show the following colors only and shall apply to drivers of vehicles and pedestrians as follows:

(1) Green alone, or "Go":

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow alone, or "Caution":

(a) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not enter the roadway.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.

(b) Pedestrians facing such signal shall not enter the roadway.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1981 Code, § 9-406)

15-507. At flashing traffic-control signals. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (1981 Code, § 9-407)

15-508. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1981 Code, § 9-408)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

PARKING

## SECTION

- 15-601. Generally.
- 15-602. Angle parking.
- 15-603. Occupancy of more than one space.
- 15-604. Where prohibited.
- 15-605. Loading and unloading zones.
- 15-606. Regulation by parking meters.
- 15-607. Lawful parking in parking meter spaces.
- 15-608. Unlawful parking in parking meter spaces.
- 15-609. Unlawful to occupy more than one parking meter space.
- 15-610. Unlawful to deface or tamper with meters.
- 15-611. Unlawful to deposit slugs in meters.
- 15-612. Presumption with respect to illegal parking.

15-601. Generally. No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within the city shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the law enforcement agency.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1981 Code, § 9-501)

15-602. Angle parking. On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four (24) feet. (1981 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1981 Code, § 9-503)

15-604. Where prohibited. No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen (15) feet thereof.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty (50) feet of a railroad crossing.
- (7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the city.
- (12) At any place on the public square except in those spaces designated for parking and in conformance with time restrictions, and in any other areas, as indicated by signs erected by the City of Jamestown. (1981 Code, § 9-504, as amended by Ord. #006, May 1984)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1981 Code, § 9-505)

15-606. Regulation by parking meters. In the absence of an official sign to the contrary which has been installed by the city, between the hours of 8:00 A.M. and 6:00 P.M., on all days except Sundays and holidays declared by the board of mayor and aldermen, parking shall be regulated by parking meters where the same have been installed by the city. The presumption shall be that all installed parking meters were lawfully installed by the city. (1981 Code, § 9-506)

15-607. Lawful parking in parking meter spaces. Any parking space regulated by a parking meter may be lawfully occupied by a vehicle only after a proper coin has been deposited in the parking meter and the said meter has

been activated or placed in operation in accordance with the instructions printed thereon. (1981 Code, § 9-507)

15-608. Unlawful parking in parking meter spaces. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked in a parking space regulated by a parking meter for more than the maximum period of time which can be purchased at one time. Insertion of additional coin or coins in the meter to purchase additional time is unlawful.

No owner or operator of any vehicle shall park or allow his vehicle to be parked in such a space when the parking meter therefor indicates no parking time allowed, whether such indication is the result of a failure to deposit a coin or to operate the lever or other actuating device on the meter, or the result of the automatic operation of the meter following the expiration of the lawful parking time subsequent to depositing a coin therein at the time the vehicle was parked. (1981 Code, § 9-508)

15-609. Unlawful to occupy more than one parking meter space. It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking meter space or otherwise so that such vehicle is not entirely within the designated parking meter space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces provided proper coins are placed in both meters. (1981 Code, § 9-509)

15-610. Unlawful to deface or tamper with meters. It shall be unlawful for any unauthorized person to open, deface, tamper with, willfully break, destroy, or impair the usefulness of any parking meter. (1981 Code, § 9-510)

15-611. Unlawful to deposit slugs in meters. It shall be unlawful for any person to deposit in a parking meter any slug or other substitute for a coin of the United States. (1981 Code, § 9-511)

15-612. Presumption with respect to illegal parking. When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (1981 Code, § 9-512)

## CHAPTER 7

ENFORCEMENT

## SECTION

15-701. Issuance of traffic citations.

15-702. Failure to obey citation.

15-703. Illegal parking.

15-704. Impoundment of vehicles.

15-705. Violation and penalty.

15-701. Issuance of traffic citations.<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the general sessions court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1981 Code, § 9-601)

15-702. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1981 Code, § 9-602)

15-703. Illegal parking. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1981 Code, § 9-603, modified)

15-704. Impoundment of vehicles. Members of the law enforcement agency are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is illegally parked, so as to constitute an obstruction or hazard to normal

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the law enforcement agency shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fines and costs. The fee for impounding a vehicle shall be ten dollars (\$10.00), and a storage cost of two dollars (\$2.00) per day shall also be charged. (1981 Code, § 9-604)

15-705. Violation and penalty. Any violation of this title shall be a civil offence punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying the city recorder a fine of one dollar (\$1.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days, his civil penalty shall be three (\$3.00).

(b) Other parking violations excluding handicapped parking. For other parking violations, excluding handicapped violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city recorder a fine of three dollars (\$3.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days, his civil penalty shall be five dollars (\$5.00).



## TITLE 16

STREETS AND SIDEWALKS, ETC<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY NUMBERING SYSTEM.

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Skateboards, etc., on city parking lot and sidewalks.
- 16-112. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1981 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet. (1981 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1981 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1981 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen. (1981 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1981 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1981 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1981 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1981 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1981 Code, § 12-110)

16-111. Skateboards, etc., on city parking lot and sidewalks. It shall be unlawful for any person or persons to use and/or occupy the city parking lot and/or any of the sidewalks within the corporation limits of the City of Jamestown, Tennessee, with any skateboard, roller blades, roller skates, bicycle, scooter, or similar vehicles or toys. (Ord. #\_\_\_\_, Aug, 2004)

16-112. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1981 Code, § 12-112)

## CHAPTER 2

EXCAVATIONS AND CUTS<sup>1</sup>

## SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1981 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1981 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1981 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1981 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1981 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others

that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1981 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1981 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1981 Code, § 12-208)

16-209. Supervision. The recorder shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1981 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are

provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend into the street. (1981 Code, § 12-210)

## CHAPTER 3

PROPERTY NUMBERING SYSTEM

## SECTION

16-301. Property numbering system.

16-301. Property numbering system. (1) The City of Jamestown hereby adopts an official property numbering system for the city.<sup>1</sup>

(2) Each and every property shall display their property number in a conspicuous place. (Ord. #A-300, Oct. 1990)

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<sup>1</sup>The official property numbering system is available in the office of the recorder.



**TITLE 17****REFUSE AND TRASH DISPOSAL**<sup>1</sup>**CHAPTER****1. REFUSE.****CHAPTER 1****REFUSE****SECTION**

17-101. Refuse defined.

17-102. Premises to be kept clean.

17-103. Refuse collection service to be furnished under franchise.

17-104. Disturbing containers.

17-105. Hauling through city.

17-106. Disposal.

**17-101. Refuse defined.** Refuse shall mean and include garbage, and rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1981 Code, § 8-201)

**17-102. Premises to be kept clean.** All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored in rodent and insect proof refuse containers. (1981 Code, § 8-203)

**17-103. Refuse collection service to be furnished under franchise.** Refuse collection service shall be furnished for the city and its inhabitants under such franchise as the board of mayor and aldermen shall grant. The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1981 Code, § 8-202)

**17-104. Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

the use of public refuse containers for their intended purpose. (1981 Code, § 8-204)

**17-105. Hauling through city.** It shall be unlawful for any person, firm, or corporation to haul through or within the city any refuse in an open truck or trailer or any other type of open vehicle. It shall also be unlawful to haul refuse through the city in any container which is not leak-proof. (1981 Code, § 8-206)

**17-106. Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the board of mayor and aldermen is expressly prohibited. The City of Jamestown will no longer pick up brush that has been cut by a commercial tree trimmer and left for the city to clean up. (1981 Code, § 8-205, as amended by Ord. #1210, March 2011)

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER.
2. SEWERS.
3. SUPPLEMENTARY SEWER REGULATIONS.
4. SEWAGE AND HUMAN EXCRETA DISPOSAL.
5. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Tap fees.
- 18-107. Main extensions to developed areas.
- 18-108. Main extensions to other areas.
- 18-109. Variances from and effect of preceding rules as to extensions.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Schedule of rates.
- 18-113. Multiple services through a single meter.
- 18-114. Billing.
- 18-115. Discontinuance or refusal of service.
- 18-116. Re-connection charge.
- 18-117. Termination of service by customer.
- 18-118. Access to customers' premises.
- 18-119. Inspections.
- 18-120. Customer's responsibility for system's property.
- 18-121. Customer's responsibility for violations.
- 18-122. Supply and resale of water.
- 18-123. Unauthorized use of or interference with water supply.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-124. Limited use of unmetered private fire line.
- 18-125. Damages to property due to water pressure.
- 18-126. Liability for cutoff failures.
- 18-127. Restricted use of water.
- 18-128. Interruption of service.
- 18-129. Fluoridation of water supply.
- 18-130. Fire hydrant color-coding policy.

**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1981 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water service from the city under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1981 Code, § 13-102)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed. (1981 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render

the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the city to the applicant shall be limited to the return of any deposit made by such applicant. (1981 Code, § 13-104)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1981 Code, § 13-105)

**18-106. Tap fees.** Service lines will be laid by the city from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the city.

Before a new service line will be laid by the city, the applicant shall pay a tap fee in the following amount:

- (1) For a 3/4" or a 1" service line: \$250.00
- (2) For all service lines over 1" in diameter, the cost as estimated by the city.

This tap fee shall be used to pay the cost of laying such new service line and appurtenant equipment.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1981 Code, § 13-106)

**18-107. Main extensions to developed areas.** The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the occasional erection of houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the city the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The city shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons

acceptable to the city at which times pro rata amounts of the cash deposit shall also be returned to the depositors. (1981 Code, § 13-107)

**18-108. Main extensions to other areas.** The provisions of this section shall apply to all areas to which the preceding section is not applicable. Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

For installations under this or the preceding section, cement-lined cast iron pipe, class 150 American Water Works Association Standard, not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. All such lines shall be installed either by municipal forces or by other forces working directly under the supervision of the city.

Upon completion of such extensions and their approval by the city, such water mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water system and shall furnish water therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. As further consideration, the city shall repay to the person or persons paying the cost of such a water main extension, for a period of five (5) years, but no longer, from the date of completion of said extension the sum of \$50.00 for each connection that is made to such main extension; provided, however, that the total payments shall in no event exceed the cost of the said extension paid by such person or persons. Provided, also, that before making any such payment, the city shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the city, but not to exceed three (3) years.

No repayment shall be made for service line connections not made directly to the water main extensions in question, even though such service line connections are made to a main extended from, or receiving water through, the main extension in question. (1981 Code, § 13-108)

**18-109. Variances from and effect of preceding rules as to extensions.** Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with the §§ 18-107 and 18-108, such

extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the board of mayor and aldermen.

The authority to make water main extensions under sections §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1981 Code, § 13-109)

**18-110. Meters.** All meters shall be installed, tested, repaired, and removed by the city.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1981 Code, § 13-110)

**18-111. Meter tests.** The city will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$ 2.00
1-1/2", 2"	5.00
3"	8.00
4"	12.00
6" and over	20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (1981 Code, § 13-111)

**18-112. Schedule of rates.** The water rates of the City of Jamestown shall be as follows:

First	2,000 gallons	\$11.79
Next	6,000 gallons	\$4.66 per thousand
Over	8,000 gallons	\$4.06 per thousand

Sewer rates will be 95% of the total water bill, plus the 5% surcharge for the state loan.

The rate for water sold to outside users (utility districts) shall be at the rate of \$2.17 per thousand gallons.

Rates as herein set out shall take effect January 1, 2000. (Ord. #740, Dec. 1999, as amended by Ord. #1220, April 2011)

**18-113. Multiple services through a single meter.** No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the city.

Where the city allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the city's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1981 Code, § 13-113)

**18-114. Billing.** Bills for residential water as well as sewer and gas service will be rendered monthly as one bill. Bills will show the individual charge for each of these services as well as the total amount.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the city.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate; otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from the payment obligation, nor extend the discount date.

In the event a bill is not paid on or before the five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days of the discount date. The city shall not be liable for any damages resulting from discontinuing service under



the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the city if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available.

Bills shall be mailed on the last day of the month and the net bill will be due on the 10<sup>th</sup> day of the following month. Bills not paid by the 10<sup>th</sup> will be due at the gross amount. Bills not paid by the 21<sup>st</sup> day of the month will be subject to disconnect. There will be a \$10.00 re-connect fee on any service which has been disconnected for non-payment.

Bills to outside users (utility districts) shall be mailed on or before the 10<sup>th</sup> day of the month and the net amount will be due on the 25<sup>th</sup> day of the month. Bills not paid by the 25<sup>th</sup> will be at the gross amount. (1981 Code, § 13-114, as amended by Ord. #740, Dec. 1999)

**18-115. Discontinuance or refusal of service.** The board of mayor and aldermen shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the city for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1981 Code, § 13-115)

**18-116. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the city before service is restored. (1981 Code, § 13-116, modified)

**18-117. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract

term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the city reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the city shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1981 Code, § 13-117)

**18-118. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1981 Code, § 13-118)

**18-119. Inspections.** The city shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1981 Code, § 13-119)

**18-120. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such

property arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1981 Code, § 13-120)

**18-121. Customer's responsibility for violations.** Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1981 Code, § 13-121)

**18-122. Supply and resale of water.** All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the city. (1981 Code, § 13-122)

**18-123. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (1981 Code, § 13-123)

**18-124. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the city a written notice of such occurrence. (1981 Code, § 13-124)

**18-125. Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1981 Code, § 13-125)

**18-126. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten (10) days' written notice to cut off a water service, the city has failed to cut off such service.
- (2) The city has attempted to cut off a service but such service has not been completely cut off.

(3) The city has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the city's main.

Except to the extent stated above, the city shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the city's cutoff. Also, the customer (and not the city) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1981 Code, § 13-126)

**18-127. Restricted use of water.** In times of emergencies or in times of water shortage, the city reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1981 Code, § 13-127)

**18-128. Interruption of service.** The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The city shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1981 Code, § 13-128)

**18-129. Fluoridation of water supply.** The water system of the City of Jamestown is hereby authorized and instructed to make plans for the fluoridation of the water supply of the said water system, to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply. The cost of such fluoridation will be borne by the revenues of the water department. (1981 Code, § 13-129)

**18-130. Fire hydrant color-coding policy.** The following fire hydrant color-coding policy is adopted by the City of Jamestown Water System:

Red Bonnet = less than 500 gpm with a 20 psi residual pressure

Orange Bonnet = 500 gpm to 999 gpm with a 20 psi residual pressure

Green Bonnet = 1000 gpm to 1499 gpm with a 20 psi residual pressure

Blue Bonnet = 1499 gpm or greater with a 20 psi residual pressure  
(as added by Ord. #960, Nov. 2005)

**CHAPTER 2****SEWERS<sup>1</sup>****SECTION**

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Connection fee.
- 18-204. Installation of lateral lines, etc.
- 18-205. Sewer service charges.
- 18-206. Extension policies.

**18-201. Use of system regulated.** All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the board of mayor and aldermen. (1981 Code, § 13-201)

**18-202. Permit and supervision required for connecting to system.** No premises shall be connected to the public sanitary sewer system without a permit from the city recorder. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. Any parcel of land that is or can be serviced by Jamestown Municipal Sewer must be in the corporate city limits of Jamestown before any sewer connections can be made to any parcel of property. (1981 Code, § 13-202, as amended by Ord. #1150, Oct. 2010)

**18-203. Connection fee.** No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the city recorder a sewer connection fee as follows:

<u>Residential</u>	<u>Commercial</u>
Inside city \$550.00	Inside city \$650.00
Outside city \$650.00	Outside city \$750.00

(1981 Code, § 13-203, as amended by Ord. #990, July 2006)

**18-204. Installation of lateral lines, etc.** When connections to the public sanitary sewer system are required and/or permitted, the city shall be responsible for installing all the necessary lateral lines and facilities from the

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<sup>1</sup>Municipal code reference  
Plumbing code: title 12.

sewer main to the property line unless there is a written contract between the board of mayor and aldermen and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1981 Code, § 13-204)

**18-205. Sewer service charges.** Sewer service charges shall be collected from the person billed for water service to any premises with an accessible sanitary sewer. The sewer service charge shall be an amount equal to one hundred percent (100%) of the water service charge. There shall also be added a ten percent (10%) sewer user's fee to each bill. Water, sewer, and gas service charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer and gas charges owed by such customer. Water service may be discontinued for non-payment of the combined bill. (1981 Code, § 13-205, modified)

**18-206. Extension policies.** Insofar as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities except that where, in such provisions, a six-inch cement-lined cast iron pipe is specified for water purposes, an eight-inch pipe of salt glazed vitrified clay or other construction approved by the board of mayor and aldermen shall be substituted for sewer purposes. (1981 Code, § 13-206)

## CHAPTER 3

### SUPPLEMENTARY SEWER REGULATIONS<sup>1</sup>

#### SECTION

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Use of the public sewers.
- 18-306. Protection from damage.
- 18-307. Powers and authority of inspectors.
- 18-308. Penalties.

**18-301. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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<sup>1</sup>Municipal code reference  
Plumbing code: title 12.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( $\frac{1}{2}$ ) inch (1.27 centimeters) in any dimension.

(11) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and controlled by public authority.

(12) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

(17) "Shall" is mandatory; "may" is permissive.

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the City of Jamestown, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1981 Code, § 13-301)

**18-302. Use of public sewers required.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Jamestown, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Jamestown, or in any area under the jurisdiction of said City of Jamestown, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.



(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City of Jamestown and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line. (1981 Code, § 13-302)

**18-303. Private sewage disposal.** The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1981 Code, § 13-303)

**18-304. Building sewers and connections.** (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Jamestown. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof down-spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(10) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (1981 Code, § 13-304)

**18-305. Use of the public sewers.** (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65°C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)° F (0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Public Health, for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the superintendent, and/or the Division of Sanitary Engineering, Tennessee Department of Public Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and the Tennessee Department of Public Health and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples

should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. (1981 Code, § 13-305)

**18-306. Protection from damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1981 Code, § 13-306)

**18-307. Powers and authority of inspectors.** (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) of this section, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-305, subsection (8).

(3) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1981 Code, § 13-307)

**18-308. Penalties.** (1) Any person found to be violating any provision of this chapter except § 18-306 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the City of Jamestown for any expense, loss, or damage occasioned the city by reason of such violation. (1981 Code, § 13-308)

## CHAPTER 4

### **SEWAGE AND HUMAN EXCRETA DISPOSAL**<sup>1</sup>

#### **SECTION**

- 18-401. Definitions.
- 18-402. Places required to have sanitary disposal methods.
- 18-403. When a connection to the public sewer is required.
- 18-404. Privies, etc., declared nuisance where sewers accessible.
- 18-405. When a septic tank shall be used.
- 18-406. Registration and records of septic tank cleaners, etc.
- 18-407. Use of pit privy or other method of disposal.
- 18-408. Approval and permit required for septic tanks, privies, etc.
- 18-409. Owner to provide disposal facilities.
- 18-410. Occupant to maintain disposal facilities.
- 18-411. Only specified methods of disposal to be used.
- 18-412. Discharge into watercourses restricted.
- 18-413. Pollution of ground water prohibited.
- 18-414. Enforcement of chapter.
- 18-415. Carnivals, circuses, etc.
- 18-416. Violations.

**18-401. Definitions.** The following definitions shall apply in the interpretation of this chapter:

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way;

(2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;

(3) "Human excreta." The bowel and kidney discharges of human beings;

(4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;

(5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.



Tennessee Department of Public Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented;

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank, or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer;

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1981 Code, § 8-301)

**18-402. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1981 Code, § 8-302)

**18-403. When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. Connection to sewer facilities shall be made as soon as possible after sewer facilities become accessible. (1981 Code, § 8-303)

**18-404. Privies, etc., declared nuisance where sewers accessible.** Where sewers are accessible, all other types of sewage disposal, including privies, septic tanks, and disposal fields, are hereby declared a nuisance. (1981 Code, § 8-304)

**18-405. When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer,

and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1981 Code, § 8-305)

**18-406. Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1981 Code, § 8-306)

**18-407. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1981 Code, § 8-307)

**18-408. Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1981 Code, § 8-308)

**18-409. Owner to provide disposal facilities.** It shall be the duty of the owner or agent of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-402, or the agent of the owner to provide such facilities. (1981 Code, § 8-309)

**18-410. Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1981 Code, § 8-310)

**18-411. Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1981 Code, § 8-311)

**18-412. Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1981 Code, § 8-312)

**18-413. Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1981 Code, § 8-313)

**18-414. Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1981 Code, § 8-314)

**18-415. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1981 Code, § 8-315)

**18-416. Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1981 Code, § 8-316)

## CHAPTER 5

### **CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.**<sup>1</sup>

#### **SECTION**

- 18-501. Definitions.
- 18-502. Water supply to comply with law, establish program.
- 18-503. Regulated.
- 18-504. Statements required of certain persons.
- 18-505. Inspections.
- 18-506. Right of entry.
- 18-507. Time for compliance.
- 18-508. Protective devices.
- 18-509. Water not supplied by potable system.
- 18-510. Violations.

**18-501. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The water works system furnishing water to the City of Jamestown for general use and which supply is recognized as the public water supply by the Tennessee Department of Public Health.

(2) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (1981 Code, § 8-401)

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<sup>1</sup>Municipal code reference  
Plumbing code: title 12.

**18-502. Water supply to comply with law, establish program.** The Jamestown public water supply is to comply with Tennessee Code Annotated, §§ 53-2001 and 53-2004 as well as the rules and regulations for public water supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective, ongoing program to control these undesirable water uses. (1981 Code, § 8-402)

**18-503. Regulated.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Public Health, and the operation of such cross-connection, auxiliary intake, by-pass, or interconnection is at all times under the direct supervision of the superintendent of the water works of the City of Jamestown. (1981 Code, § 8-403)

**18-504. Statements required of certain persons.** Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or insanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water department of the City of Jamestown a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or interconnections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or interconnection will be permitted upon the premises. (1981 Code, § 8-404)

**18-505. Inspections.** It shall be the duty of the City of Jamestown public water supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the superintendent of the water department of the City of Jamestown and as approved by the Tennessee Department of Public Health. (1981 Code, § 8-405)]

**18-506. Right of entry.** The superintendent of the water department or authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Jamestown public water supply for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access,

when requested, shall be deemed evidence of the presence of cross-connections. (1981 Code, § 8-406)

**18-507. Time for compliance.** Any person who now has cross-connections, auxiliary intakes, bypasses, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent of the water department of the City of Jamestown, Tennessee. (1981 Code, § 8-407)

**18-508. Protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed (1) impractical to provide an effective air-gap separation; (2) that the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply; (3) that the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or (4) there is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the water department of the City of Jamestown, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the water department of the City of Jamestown prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the water department or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one unit is installed and the continuance of service is critical, the superintendent of the water department shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs

indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the superintendent of the water department of the City of Jamestown. (1981 Code, § 8-408)

**18-509. Water not supplied by potable system.** The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

W A T E R U N S A F E  
  
F O R D R I N K I N G

Minimum acceptable sign shall have black letters one-inch high located on red background. (1981 Code, § 8-409)

**18-510. Violations.** Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition, the superintendent of the water department of the City of Jamestown shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (1981 Code, § 8-410)

**TITLE 19****ELECTRICITY AND GAS****CHAPTER****1. GAS.****CHAPTER 1****GAS<sup>1</sup>****SECTION**

- 19-101. Definitions.
- 19-102. Standard service.
- 19-103. Non-standard service.
- 19-104. Application for service; extension policies.
- 19-105. Service charges.
- 19-106. Deposit required.
- 19-107. Application of deposit.
- 19-108. Refund of deposit.
- 19-109. Higher deposit required of certain delinquent customers.
- 19-110. Point of delivery.
- 19-111. Customers' piping and installation standards.
- 19-112. Right of access.
- 19-113. Customers' responsibility for gas department property.
- 19-114. Billing.
- 19-115. Discontinuance of service.
- 19-116. Termination of service by customer.
- 19-117. Interruption of service.
- 19-118. Additional load.
- 19-119. Notice of trouble.
- 19-120. Meter tests.
- 19-121. Restricted use of gas.
- 19-122. Billing adjusted to standard periods.
- 19-123. Rate schedules for gas service.
- 19-124. Purchased gas adjustment.
- 19-125. Applicability of chapter.

**19-101. Definitions.** As used in this chapter (1) "Gas department" shall mean the Jamestown Gas Department, engaged in the operation of the

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<sup>1</sup>Municipal code reference  
Building and utility codes: title 12.



Jamestown Natural Gas Distribution System and its duly authorized officers and employees.

(2) "Commercial customers" shall mean customers engaged primarily in the sale of goods or services including institutions and local, state, and federal agencies for uses other than those involving manufacturing.

(3) "Industrial customers" shall mean customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product.

(4) "Residential consumers" shall mean those customers who consume gas from the gas department in a single or multiple unit dwelling with household appliances for the personal comfort and convenience of those residing in such dwelling.

When a portion of a dwelling is used regularly for the conduct of a business, which business consumes or utilizes gas from the gas department, the gas so used in the conduct of the business shall be metered separately from the gas consumed and used in the dwelling house purposes; otherwise the entire premises, both business and dwelling, will be classified as a commercial or industrial consumer, as set forth in this chapter.

(5) "Customer" means any person who receives gas service from the gas department under an expressed or implied contract requiring such person to pay the gas department for such service; and shall include any person upon whose property there is located a gas service line even though such service line is not in active use.

(6) "Service line" shall mean the pipe which leads from the gas department's gas distribution mains to a customer's building or other structure where such customer takes gas service. "Service line" does not include meter, shut-off cock, pressure regulator, or gauges.

(7) "Day" whenever used with reference to a period for which gas used is measured or metered, shall mean a period of twenty-four consecutive hours beginning as near as practical to 8:00 a.m. Central Time, and the date of any such day shall be the date of the calendar day on which said twenty-four hour period begins. (1981 Code, § 13-401)

**19-102. Standard service.** Service is normally limited to natural gas of approximately 1000 BTU cubic foot heat content and approximately 0.6 specific gravity as referred to air, and at a nominal pressure of 6 inches water column above atmosphere. The gas department reserves the right to furnish substitute or supplemental gas of different heat content and/or specific gravity either in the event of emergency or for other reasons. Pressure specified herein is nominal pressure and the gas department does not guarantee actual pressure. (1981 Code, § 13-402)

**19-103. Non-standard service.** For service at other than standard pressure, the customer shall confer with the gas department regarding the type

of service required. Before the customer proceeds with the purchase of equipment or piping in such cases, he should contact the gas department, which will furnish information on the ability to meet special requirements. The customer shall pay any additional cost involved in meeting his particular requirements for service at other than standard pressure. Nothing contained herein shall obligate the gas department to provide such special service.

For billing purposes, the volume or quantity of gas delivered to a customer using non-standard service, as metered or estimated, shall be corrected, in accordance with Boyle's Law, to its equivalent volume at a gauge pressure of four (4) ounces per square inch. (1981 Code, § 13-403)

**19-104. Application for service; extension policies.** Each prospective customer desiring gas service from the Jamestown Gas Department must take application for such service from the gas department in the City Hall, and must comply with all pertinent ordinances and rules and regulations established for the operation of the gas department. Main extensions shall depend on the economic feasibility of extending such mains and available gas supply as determined by the director of the gas department. Any prospective customer refused shall have the right to ask the board of mayor and aldermen to reconsider and rule on the application. During periods of short gas supply, the gas department shall have the right to refuse service to new customers, establish waiting lists for service, and/or establish priorities between classes of customers to be served.

Customer shall pay for all materials used in installing the service line from the gas main to the building.

Gas tap fees are as follows:

<u>Residential</u>	<u>Commercial</u>
Inside city \$350.00	Inside and
Outside city \$450.00	outside city \$450.00

In addition, after the first three hundred feet (300'), there will be a charge of one dollar and twenty cents (\$1.20) per foot for installing the service line from the gas main to the structure. (1981 Code, § 13-404, as amended by Ord. #1000, July 2006, and Ord. #1250, July 2011)

**19-105. Service charges.** There shall be a service charge of twenty-five dollars (\$25.00) for the connection of a consumer where said consumer was the last customer to use natural gas at that particular location, unless service has been discontinued for at least eight (8) months prior to the request for service. No charge shall be made for the connection of a new customer or an old customer moving to a new location. (1981 Code, § 13-405, modified)

**19-106. Deposit required.** Meter deposits will be required as follows:

Owner of property	\$25.00
Renter of property	\$250.00

(1981 Code, § 13-406, modified, as replaced by Ord. #1000, July 2006)

**19-107. Application of deposit.** The security deposit or guarantee, hereinabove provided for, shall be a security or guarantee of the payment of all charges owing or which may become owing to any utility department of the City of Jamestown. (1981 Code, § 13-407)

**19-108. Refund of deposit.** Deposits will be refunded after discontinuance of services if all bills have been paid. (1981 Code, § 13-408)

**19-109. Higher deposit required of certain delinquent customers.** If during any six-month period, an account is allowed to become delinquent beyond the cut-off date as many as three (3) times, the customer will be required to make a deposit equal, to the nearest five dollars (\$5.00), to twice his average monthly gas bill. This provision shall apply to all consumers, with customers becoming eligible for a refund on the same basis as above. (1981 Code, § 13-409)

**19-110. Point of delivery.** The point of delivery shall be the outlet side of the customer's meter or the connection to the customer's piping, whichever is farther downstream from the source of gas supply. (1981 Code, § 13-410)

**19-111. Customers' piping and installation standards.** All piping and installation of appliances must conform to the gas code. The gas department's representatives and employees shall have the right, but shall not be obligated, to enter upon the customers' premises at all reasonable and/or necessary times and inspect gas appliances, installations, and piping to determine whether or not the same meet the requirements of the rules and regulations of Jamestown, Tennessee, at such time. The gas department reserves the right to refuse or terminate gas service for violation of the above mentioned rules and regulations or for any other condition deemed hazardous by responsible gas department representatives or employees. The inspection provided for in this section shall not, however, render the gas department liable or responsible for any loss or damage resulting from defects in installation, piping, or appliances, or resulting from violation of the rules and regulations of Jamestown, Tennessee, or from accidents which may occur upon customer's premises. (1981 Code, § 13-411)

**19-112. Right of access.** The gas department's identified employees shall have access to each customer's premises at all reasonable times for the purpose of reading meters and testing, repairing, removing, or exchanging any or all equipment belonging to the gas department. (1981 Code, § 13-412)

**19-113. Customers' responsibility for gas department property.**

All meters, regulators, service connections, and other equipment furnished by the gas department shall be and remain the property of the gas department. Each customer shall provide a place for, and exercise proper care to protect the property of the gas department on its premises. In the event of loss or damage to the gas department property arising from the neglect of a customer to care for same, the cost of necessary repairs or replacement shall be paid by the customer. (1981 Code, § 13-413)

**19-114. Billing.** Bills will be rendered monthly and shall be paid within ten (10) days from the date of the bill at the office of the gas department. Failure to receive a bill will not release the customer from the obligation to pay for gas and services furnished. The gas department will give written notice on the back of the billing card to the customer that if the bill is not paid within ten (10) days of the discount date, service will be discontinued. Bills paid on or before the discount date shall be payable at the net rate, but thereafter the gross rates shall apply, as provided in the gas rate schedules. Should the final date for payment of the bill at the net rates fall on a Saturday, Sunday, or holiday, the business day next following the final date will be a day of grace for delivery of payment. Net rate remittances received by mail after the time limit for payment of said net rates will be accepted by the gas department if the incoming envelope bears the United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto. (1981 Code, § 13-414, modified)

**19-115. Discontinuance of service.** The gas department will refuse to connect or will disconnect gas service for any violation of this chapter or for violation of any of the provisions of pertinent rules and regulations established for the guidance and operation of the gas department. The discontinuance of service by the gas department for any cause as stated in this section does not release the customer from his obligation to the gas department for the payment of minimum bills as specified in the application of the customer or the contract with the customer. (1981 Code, § 13-415)

**19-116. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days' written notice to that effect unless their service contract specifies otherwise. Notice to discontinue service prior to expiration of the contract term will not relieve the customer from any minimum or guaranteed payment under any contract or rate. (1981 Code, § 13-416)

**19-117. Interruption of service.** The gas department will use reasonable diligence to provide a regular and uninterrupted supply of gas, but the gas department cannot and does not guarantee the consumer any fixed

pressure or continuous service. In case the supply of gas shall be interrupted or disturbed for any cause, the gas department shall not be liable for damages resulting therefrom.

In connection with the operation, maintenance, repair, and extension of the gas distribution system, the gas supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The gas department shall not be held liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1981 Code, § 13-417)

**19-118. Additional load.** The service line, regulator, meter, and equipment supplied by the gas department for each customer have definite capacities, and no additional load shall be connected thereto except by consent of the gas department. Failure to give notice of additions or changes in load, and to obtain the gas department's consent for same, shall render the customer liable for any damage to any of the gas department's equipment caused by such additional or changed installation. (1981 Code, § 13-418)

**19-119. Notice of trouble.** Customers shall notify the gas department immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of gas. Such notices, if verbal, shall be confirmed in writing at the earliest reasonable time. (1981 Code, § 13-419)

**19-120. Meter tests.** The gas department will, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy of said meters. The gas department will make additional tests or inspections of its meters at the request of the customer. If tests made at a customer's request show that the meter is accurate within two percent (2%), either slow or fast, no adjustment will be made in the customer's bill, and the testing charge of one dollar (\$1.00) per meter will be paid by the customer, said amount to be included in the next bill sent to the customer by the gas department. In case the test shows the meter to be in excess of two percent (2%), either slow or fast, an adjustment shall be made in the customer's bill over a period of not to exceed thirty (30) days prior to the date of such test, and cost of making the test shall be borne by the gas department. (1981 Code, § 13-420)

**19-121. Restricted use of gas.** In times of emergencies or in times of gas shortage, the gas department reserves the right to restrict the purposes for which gas may be used by a customer and the amount of gas which a customer may use.

A time of gas shortage within the meaning of this section shall be deemed to exist whenever the actual use or the reasonably anticipated use of gas in any day, or any other fixed period of time exceeds the quantity of the gas the gas

department is entitled to obtain and can obtain from the gas department's supplier without incurring any overrun penalties or charges in excess of the price normally paid for natural gas.

Insofar as is reasonably practical, the following priorities shall be observed when the gas department finds it necessary or desirable to restrict the use of gas as authorized by this section, with the highest priority of use being the first named and the subsequent uses being in descending order or priority.

- (1) Residential customers.
- (2) Small commercial customers (less than 50 MCF on a peak day).
- (3) Large firm commercial customers (50 MCF or more on a peak day) and firm industrial customers.

- (4) Interruptible customers.

Interruptions or curtailments may be on a day to day basis or customers may be restricted on the amount of gas they are allowed to use in a stated period of from one (1) to twelve (12) calendar months.

Nothing contained herein shall prevent the gas department from varying the priorities as stated above or varying the degree of curtailment when such variance is necessary to prevent interference with essential public services including the operation of hospitals, schools, educational institutions, utility services, and governmental operations, or whenever the gas department in the exercise of a reasonable discretion, determines such variance to be necessary where:

- (1) The use of an alternate fuel would impose unacceptable safety hazards or is otherwise not technically feasible.

- (2) Natural gas is used as raw material for its chemical properties in creating an end product.

- (3) Applications requiring precise temperature controls and precise flame characteristics where the flame is in direct contact with the material being processed and alternate fuels are not technically feasible.

- (4) Abnormal circumstances, such as strikes, plant closings, etc., during the "base period" being used as a basis for curtailment resulting in lower "base period" volumes than the annual usage normally would have been during the base period.

To insure that any variances granted shall be uniform and nondiscriminatory in nature, an advisory committee composed of industry representatives and/or other technically qualified persons shall be formed to study any request for variance from any curtailment which may be imposed under the terms of this section. Recommendations from this committee shall be given due consideration but shall not be binding upon the gas department in determining whether or not a variance is to be granted. Any variance granted or refused by the gas department may be appealed to the board of mayor and aldermen.

The gas department shall establish written procedures for the implementation of any curtailment resulting from the inability to obtain

sufficient gas supplies for the requirements of its customers. Customers likely to be curtailed will be notified as far in advance as practicable and shall be given information on their priority classification, a copy of the sections of the municipal code pertaining to the gas curtailment, and the written procedures developed by the gas department for implementing the curtailment.

Whenever a customer takes gas in excess of the amount allowed under any notice from the gas department restricting or interrupting the customer's use of gas, the customer shall be required to pay to the gas department for any penalties or other excess charges incurred by the gas department including, but not limited to, propane, liquified natural gas furnished by the department's supplier and/or through its own facilities, or other gaseous products. In addition, should said excess use of gas cause the department to incur damages or other liabilities from its other customers, the customer shall be required to discharge same and hold the department harmless therefor. Refusal to pay such charges, penalties, or damages or continued or willful overruns shall be sufficient grounds for cancellation of service to such customer, as well as legal proceedings to collect such charges, penalties, or damages.

A customer's maximum day may be determined by recording devices, actual day by day readings, or calculated from the previous twelve months maximum consumption. For heating customers, this calculation shall be based on 5% of the maximum month's consumption. For customers whose usage is practically constant regardless of weather conditions, the calculation shall be the maximum month's consumption divided by the number of days normally worked in a month. The method used shall be the method determined by the gas department to be most practical. (1981 Code, § 13-421)

**19-122. Billing adjusted to standard periods.** The gas charges as set forth in the rate schedules are based on billing periods of approximately one (1) month. In case of the first billing of new accounts and final billing of all accounts where the period covered by the billing involves fractions of a month, the charges will be adjusted to a basis proportionate with the period of time during which service is extended. (1981 Code, § 13-422)

**19-123. Rate schedules for gas service.** Rate schedules for gas service shall be as established from time to time by appropriate resolution or ordinance of the board of mayor and aldermen.<sup>1</sup> (1981 Code, § 13-423)

**19-124. Purchased gas adjustment.** The rate schedules are based on the cost of natural gas supplied to the gas department as of the effective date of the rate schedule. The charge for each 100 cu. ft. of gas may be adjusted up or

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<sup>1</sup>Administrative ordinances and resolutions are of record in the recorder's office.

down by one-tenth of the amount of any corresponding change per MCF in the commodity cost of gas being supplied to the gas department by the gas department's natural gas supplier. The rate per 100 cu. ft. in each bracket shall be rounded off to the nearest one-tenth of a cent and with five hundredth of a cent to rounded off to the next highest one-tenth of a cent. Each such change may only be put in effect on those billing periods of customers which billing periods begin on or after the date when the corresponding change in the gas department's cost of gas becomes effective. Such adjustments shall operate prospectively only; and no retrospective change in the gas department's cost of gas shall be used as a basis for any such adjustment in this rate schedule. Any change in rates, other than provided for above, shall be passed by appropriate resolution or ordinance in the prescribed manner. After such change has been made, the purchased gas adjustment provisions shall apply to the new rate schedule in the same manner as to the present rate schedules.

The department, at its option, may adjust said increase or decrease per MCF, in whole or in part, in the demand component of its rate structure. (1981 Code, § 13-424)

**19-125. Applicability of chapter.** These rules and regulations shall apply to all customers receiving gas service from the gas department, whether the service is based upon contract, agreement, signed application, or otherwise. A copy of the provisions in this chapter shall be kept available for public inspection at the office of the gas department. (1981 Code, § 13-425)



## TITLE 20

MISCELLANEOUS

## CHAPTER

## 1. FAIR HOUSING ORDINANCE.

## CHAPTER 1

FAIR HOUSING ORDINANCE

## SECTION

- 20-101. Policy.
- 20-102. Definitions.
- 20-103. Unlawful practice.
- 20-104. Discrimination in the sale or rental of housing.
- 20-105. Discrimination in the financing of housing.
- 20-106. Discrimination in the provision of brokerage services.
- 20-107. Exemption.
- 20-108. Administration.
- 20-109. Education and conciliation.
- 20-110. Enforcement.
- 20-111. Investigation, subpoenas; giving of evidence.
- 20-112. Enforcement by private persons.

20-101. Policy. It is the policy of the City of Jamestown, Tennessee, to provide, within constitutional limitations, for fair housing throughout the community. (Ord. #470, Jan. 1996)

20-102. Definitions. (1) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(2) "Family" includes a single individual.

(3) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(4) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

(5) "Discriminatory housing practice" means an act that is unlawful under §§ 20-104, 20-105, or 20-106. (Ord. #470, Jan. 1996)

20-103. Unlawful practice. Subject to the provisions of subsection (2) and § 20-107, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-104 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-104 shall apply to:

(a) Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than three such single-family houses at any one time: Provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented

(i) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and

(ii) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-104(3) of this ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more

transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He is the owner of any dwelling or intended for occupancy by, or occupied by, five or more families. (Ord. #470, Jan. 1996)

20-104. Discrimination in the sale or rental of housing. As made applicable by § 20-103 and except as exempted by §§ 20-103(2) and 20-107, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicap.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status, or handicap.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status, or handicap, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status, or handicap.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (Ord. #470, Jan. 1996)

20-105. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms

or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status, or handicap of such person or of any person associated with him in the connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 20-103(2). (Ord. #470, Jan. 1996)

20-106. Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status, or handicap. (Ord. #470, Jan. 1996)

20-107. Exemption. Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status, or handicap. Nor shall anything in this ordinance prohibit a private club which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its member. (Ord. #470, Jan. 1996)

20-108. Administration. (1) The authority and responsibility for administering this Act shall be in the Mayor of the City of Jamestown.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the community or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this ordinance. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the mayor to further such purposes. (Ord. #470, Jan. 1996)

20-109. Education and conciliation. Immediately after the enactment of this ordinance, the mayor shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement. (Ord. #470, Jan. 1996)

20-110. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Tennessee Human Rights Commission decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the Tennessee Human Rights Commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amend at any time. A respondent may file an answer to the complaint against him and with the leave of the Tennessee Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty days after a complaint is filed with the Tennessee Human Rights Commission, the Tennessee Human Rights Commission has been unable to obtain voluntary compliance with this ordinance, the person aggrieved, may within thirty days thereafter, file a complaint with the Secretary

of the Department of Housing and Urban Development. The Tennessee Human Rights Commission will assist in this filing.

(4) If the Tennessee Human Rights Commission has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the Tennessee Human Right Commission shall immediately terminate all efforts to obtain voluntary compliance. (Ord. #470, Jan. 1996)

20-111. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the Tennessee Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; Provided, however, that the Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Tennessee Human Rights Commission may issue subpoenas to compel his access to or the production of such materials or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the Tennessee Human Rights Commission. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoenas of the Tennessee Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five days after services of a subpoena upon any person, such person may petition the Tennessee Human Rights Commission to revoke or modify the subpoena. The Tennessee Human Rights Commission shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the Tennessee Human Rights Commission or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoenas or lawful order of the Tennessee Human Rights Commission shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Tennessee Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(7) The Tennessee Human Rights Commission attorney shall conduct all litigation in which the Tennessee Human Rights Commission participates as a party or as amicus pursuant to this ordinance. (Ord. #470, Jan. 1996)

20-112. Enforcement by private persons. (1) The rights granted by §§ 20-103, 20-104, 20-105 and 20-106 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or § 20-110(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, or national origin, in any of the activities, services, organizations, or facilities described in subsection 15(a); or

(b) Affording another person or class of persons opportunity or protection so to participate, or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, or national origin, in any of the activities, services, organizations, or facilities described in subsection 15(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if bodily injury results, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (Ord. #470, Jan. 1996)